

ITEM A

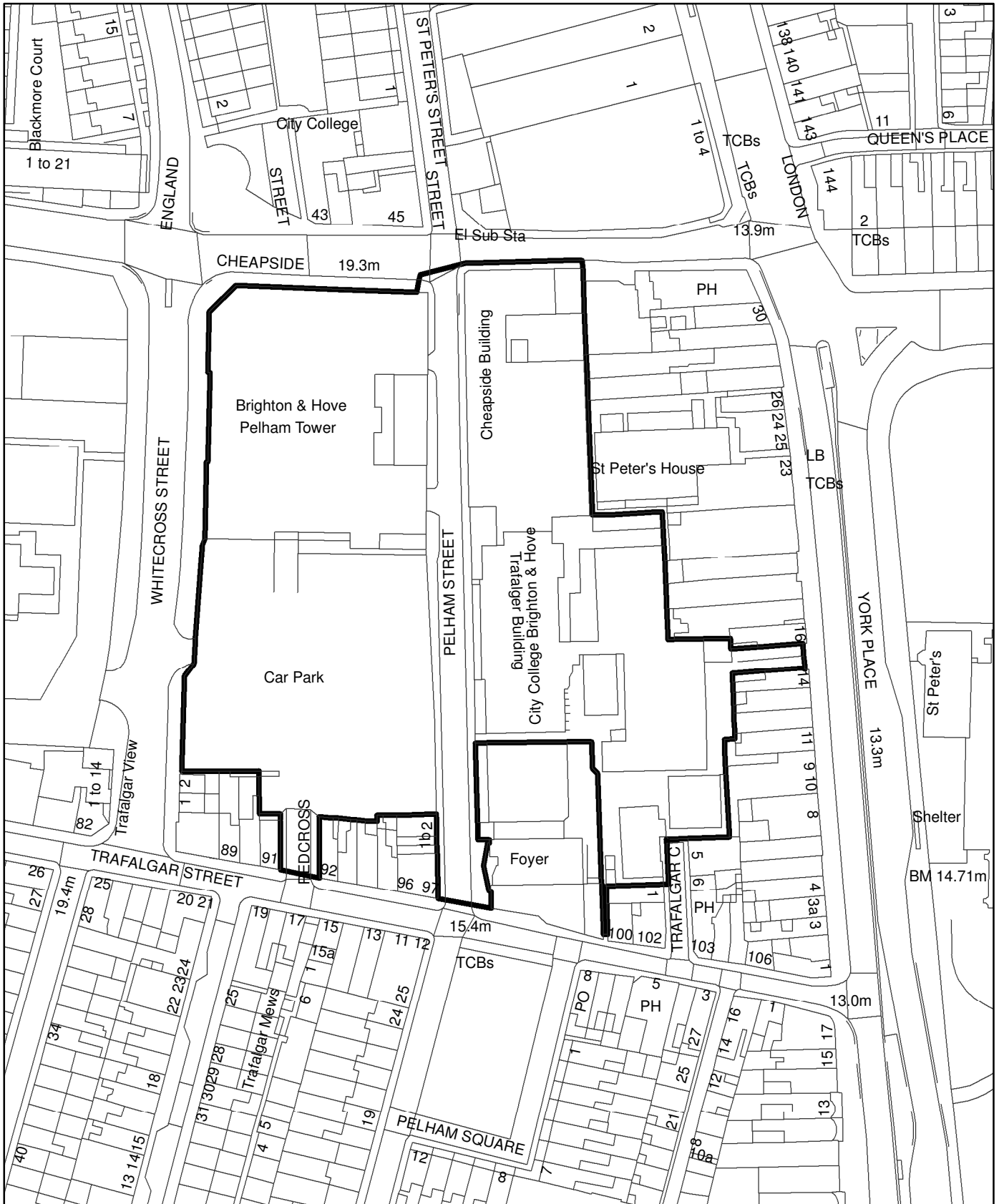
City College, Pelham Street, Brighton

BH2013/01600

Outline application some matters reserved

11 DECEMBER 2013

BH2013/01600 City College, Pelham Street, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01600	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Hybrid Application – Part Full – Part Outline with Some Matters Reserved		
<u>Address:</u>	City College Brighton & Hove Pelham Street Brighton		
<u>Proposal:</u>	Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale).		
<u>Officer:</u>	Kathryn Boggiano Tel 292138	<u>Valid Date:</u>	20 June 2013
<u>Con Area:</u>	North Laine Conservation Area	<u>Expiry Date:</u>	10 October 2013
	Adjacent to Valley Gardens Conservation Area		
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Harwood Savin Ltd, 23 Baynton Road, Woking, Surrey, GU22 8JT		
<u>Applicant:</u>	City College Brighton & Hove, Mr Colin Henderson, Pelham Street Brighton, BN1 4FA		

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 resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a 1.28 hectare site which contains Pelham Tower, Cheapside, York, Trafalgar and Gloucester buildings. Pelham Street is also included within the application site. The site is in use by City College for educational purposes. To the south of Pelham Tower is a surface level car park which also forms part of the application site and is accessed from Whitecross Street.
- 2.2 The application site is bordered by Whitecross Street to the west and Cheapside to the north. Adjacent to the site to the east are properties fronting York Place (1 – 31 York Place and St. Peter's House). Adjacent to the site to the south are properties fronting Whitecross Street (1-2), Trafalgar Street (87 – 105), Pelham Street (1 -2) and Trafalgar Court (1-6). On the west side of Whitecross Street are 82 Trafalgar Street, 1 to 14 Trafalgar Street and Theobold House (1 – 110) and Halfords. To the north of Cheapside is Blackmore Court which is part of the New

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England Quarter development, 43 to 45 Cheapside and 1 to 4 London Road (side elevation of Aldi supermarket).

- 2.3 Pelham Tower is a 1960's block which is 12 storeys with a height of 40 to 44 metres above the pavement level of surrounding streets. A three storey podium exists around the base of the tower which measures approximately 51 metres by 56 metres. Pelham Tower is accessed through a glazed entrance directly from Pelham Street. The materials are brick with steel window frames.
- 2.4 To the east of Pelham Street are Cheapside, York, Trafalgar and Gloucester buildings. York, Trafalgar and Gloucester buildings are Victorian in age and of varying heights and styles.
- 2.5 Gloucester building is in the south eastern corner of the site and is within the North Laine Conservation Area. This is the only building which falls within a conservation area. This is a smaller School Board building which was probably the original elementary school of 1870. The body of the building is two storeys high but the gable end is three storeys. The building is sited at the end of Trafalgar Court.
- 2.6 Trafalgar Building is a 1870s School Board building of three storeys plus a basement level. It consists of brick at the lower floors with a pebbledash upper storey and has a slate roof. On the front elevation are original sash windows, doors and wrought iron railings. There is an adjoining Dutch gabled extension at the northern end which is aligned east to west along the north face of Trafalgar. A more modern ramp exists in order to provide disabled access for the main door. A modern glass foyer links this building to the Cheapside building. Following bomb damage during World War II Trafalgar was repaired with changes to the roof and top floor.
- 2.7 York building is sited to the east of Trafalgar building and is a three storey brick building of stock brick with red brick detailing on the eastern façade. The eastern façade is detailed with three main bays with iron finials at the apex of each hipped triangular gable. The building has a double pitched roof. The western façade is simpler with three pointed gables. The southern elevation is faced with poor quality concrete.
- 2.8 Cheapside building is present on the corner of Cheapside and Pelham Street and is L shaped and mainly three storeys with an additional storey on the section of the building which is on the corner of Cheapside with Pelham Street. The building is red brick with a moulded stone cornice at the top of the ground floor. It is otherwise much simpler and less decorative than the other buildings. There is a vehicular entrance archway within the building on the Cheapside frontage.
- 2.9 An arched entranceway of brick with limestone spacers is present at 15 York Place. It has three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The archway has an ornate gate preventing access. The archway is outside the ownership of the City College, however they do have a right of access through the archway.

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- 2.10 To the south of Pelham Tower is a surface car park which accommodates 118 car parking spaces which are allocated to staff.
- 2.11 Gloucester building is the only building which falls within a conservation area. Directly adjacent to the south of the site is the North Laine Conservation Area and bordering the site to the east is the Valley Gardens Conservation Area. The archway on York Place is within the Valley Gardens Conservation Area.
- 2.12 The site is in a highly accessible sustainable location and is approximately 400 metres from Brighton Station.

3 RELEVANT HISTORY

BH2008/02376: Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase 1) for the erection of a 14,237sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space and (Class D1), student accommodation (Class C1), youth hostel (sui generis), café with ancillary gallery space (Class A3), employment space (Class B1) GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated access. Access, appearance, landscaping, layout and scale to be determined for (Phase 1). Access, layout and scale to be determined for (Phase 2). Planning Committee resolution to Mind to Grant 18/03/2009. Finally disposed of by the LPA 21/09/2011.

BH2004/03312/FP: Construction of new three-storey teaching facilities on site of existing surface car park (Pelham Street West) with link to existing main college building (Pelham Tower) and, via first floor bridge link over Pelham Street, with Trafalgar and Cheapside Buildings, together with hard and soft landscaping to new college square and remaining car park. Demolition of York Building and Library and various other single storey structures on Pelham Street east site and construction of 1 and 1 1/2 storey workshops for College use and 13 live/work units, change of use of Gloucester Building to form 2 no. residential studios and refurbishment of remaining College buildings. Approved 30/06/2005.

BH2004/02739/FP: Construction of training workshop and circulation core (amendment to previously approved application BH2003/02354/FP). Approved 08/11/2004.

BH2003/02897/FP: Installation of fence around College car park. Approved 16/10/2003.

BH2003/02354/FP: Construction of new motor vehicle workshop and circulation core. Approved 16/10/2003.

BH2001/01798/FP: Erection of 3 x 2 storey temporary classroom blocks. Approved 17/10/2001.

BH2001/00001/FP: Alterations and extension to Pelham Tower complex to accommodate facilities for learning resources, catering and motor vehicles/engineering. Approved 09/02/2001.

BH2000/02792/FP: The retention of a two storey temporary classroom block (renewal of temporary permission 95/1177/FP). Approved 01/12/2000.

BH2000/00128/FP: Construction of new three-storey teaching facilities on site of existing surface car park (Pelham Street West) with link to existing main college building (Pelham Tower) and, via first floor bridge link over Pelham Street, with

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Trafalgar and Cheapside Buildings, together with hard and soft landscaping to new college square and remaining car park. Demolition of York Building and Library and various other single storey structures on Pelham Street east site and construction of 1 and 1 1/2 storey workshops for College use and 13 live/work units, change of use of Gloucester Building to form 2 no. residential studios and refurbishment of remaining College buildings. Approved 10/10/2000.

BH1998/00824/FP: Temporary change of use from car park to arts and crafts open market. Approved 21/05/1998.

95/1178/FP: Erection of 4 storey foyer building for 50 residents with training facilities, café and shop. Approved 12/12/1995.

95/1177/FP: Retention of 2 storey temporary classroom. Approved 06/02/1996.

95/0980/FP: Erection of new entrance lobby to Whitecross Street including new canopy extending onto Cheapside frontage (Amendment to approval under ref: 94/104/FP).

95/0107/OA: Outline planning application. Erection of 4 storey foyer building for 50 – 53 residents with training facilities. Approved 04/12/1995.

94/1040/FP: Erection of new entrance lobby to Whitecross Street, including new canopy extending onto Cheapside building. Approved 07/12/1994.

94/0695/FP: Alterations to form new access and ramp from internal car park and closure of existing and formation of new office accommodation. Approved 31/08/1994.

4 THE APPLICATION

- 4.1. This is a Hybrid application which is a part full planning application and a part outline planning application with some reserved matters for approval.

Phase 1: College Building

- 4.2. Full planning application for erection of part 7, part 8 college building (12,056 sqm and D1 Use Class) on the site of the surface level car park along with new public square and landscaping.

Phase 2a: Student Residential Accommodation

- 4.3. Full planning application for demolition of Pelham Tower and erection of part, six, part seven, part eight and part nine storey building of 12,647 sqm to provide 442 student residential bedspaces and ancillary accommodation (Sui Generis Use class).

Phase 2b: Residential Development

- 4.4. Outline planning application with reserved matters relating to layout, scale and access for the demolition of Trafalgar, York and Cheapside Buildings and erection of 4 buildings which are two, five and part four part five and part six storeys in height and would accommodate up to 125 residential units. External appearance and landscaping are not being considered as part of this application.

EIA development

- 4.5. An Environmental Statement has been submitted with the application as required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Phase 1: College Building

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- 4.6. This would accommodate the following accommodation:
- | | |
|----------------|--|
| Ground floor: | Reception area, City Business & Enterprise Admissions; breakout display space, security, print shop, hair and beauty, commercial coffee outlet and small travel shop, commercial kitchen and the 'gallery restaurant'. |
| First floor: | OLRC (learning resource centre), arts and bin and recycling centre. |
| Second floor: | Training kitchen and refectory, arts and general teaching and ICT. |
| Third floor: | General teaching/ICT, hair and beauty, break out space and staff cluster. |
| Fourth floor: | Arts and staff cluster |
| Fifth floor: | Arts, General teaching/ICT and staff clusters. |
| Sixth floor: | General teaching/ICT, staff cluster and break out space. |
| Seventh floor: | Office, training suite, meeting rooms, and external roof top plant area and photovoltaics; |
| Rooftop: | External roof top plant areas, solar panels and . |
- 4.7. The building is part 7, part 8 storeys with a three storey section on the south west corner. The south elevation contains the main entrance to the College with a secondary access at the first floor from the arts facility onto Whitecross Street. There are entrances directly onto Pelham Street for the Hair & Beauty unit at the ground floor. There are a number of exits at the ground floor into the servicing alleyway between the College building and the student building. Due to the difference in levels with the ground being higher on Whitecross Street than Pelham Street, the ground floor would effectively be at basement level on the Whitecross Street side.
- South elevation*
- 4.8. On the three storey section of the building in the south western corner proposed materials are terracotta rainscreen cladding and glazing.
- 4.9. The central section of the south elevation would be glazed curtain walling with louvers in various finishes and colours at the second to seventh floors. To the east of this there is a rendered vertical strip at ground to seventh floors.
- 4.10. The eighth storey section to the west of the entrance would consist of a buff coloured brick slip cladding system at the third to sixth floors and rainscreen cladding at the seventh floor. At the rooftop an aluminium powder coated screen is proposed to the plant area which is set back from the building line at the south and west.
- 4.11. At the section of the building to the east, glazed curtain walling is proposed at the ground to first floors. To the east of the rendered section the curtain walling would continue up to the fourth floor with coloured louvers over. To the east of this there is a section of the building which protrudes forward at the second to fifth floors and would be a mixture of buff coloured brick slip cladding system and curtain walling. The sixth floor would be set in slightly from south and east building lines below and would consist of rainscreen cladding and at the rooftop an aluminium powder coated screen is proposed to the plant area which is set

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back from the south and east building lines. Five concrete column are proposed at the ground to bottom of the second floor which would support the projecting elements of the building above.

East elevation (Pelham Street)

- 4.12. Glazed curtain walling would exist at the ground and first floors with mainly buff coloured brick slip cladding system at the second to fifth floors. There would be a small section of glazed curtain walling at the southern end at the second to fifth floors. Rainscreen cladding is proposed at the sixth floor with the plant screen above.

West elevation (Whitecross Street)

- 4.13. The two storey section of the building in the south west corner would again be finished in terracotta rainscreen cladding. The recessed element of the building at the first and second floors (effectively ground and first at street level) would be glazed curtain walling with glazed sprandral panels. To the north of this, buff coloured brick slip panels are proposed, which would project slightly forward on the western building line. Buff coloured brick slip panels are again proposed at the third to sixth floors with the terracotta rainscreen cladding at the seventh floor. The recessed screen to the rooftop plant would be above.

North elevation

- 4.14. A mixture of buff coloured bricks and terracotta rainscreen cladding is proposed to this elevation with a mixture of different openings.

4.15. Public Square

- 4.16. A new public square is proposed to the south of the college building which would be accessed via Pelham Street and Redcross Street.

Phase 2a: Student Residential Building

- 4.17. A total of 442 bed spaces are proposed which include:

- 18 x 9 bed clusters;
- 23 x 8 bed clusters;
- 8 x 7 bed clusters.

- 4.18. At the ground floor of the building plant, refuse store, cycle store, kitchen servery, common room, office and gym are proposed along with an external courtyard. At the first to the ninth floors the cluster flats are proposed. Photovoltaics are proposed on the part of the rooftop.

- 4.19. The building is primarily a 'U' shape and fronts Whitecross Street, Cheapside and Pelham Street with a courtyard in the centre. The upper floor is set back from the building line on all street frontages. There is a single storey section of the building to the south adjacent to the College Building. The main entrance to the accommodation would be via a ground floor undercroft on the Pelham Street elevation. Gated access is proposed through the undercroft which would lead to the courtyard area. Two lobbies are proposed, one for the student accommodation and one for the gym. There is a secondary service entrance point at the first floor at Whitecross Street (upper ground at street level).

West elevation (Whitecross Street)

- 4.20. The building is part seven, part eight, part nine storeys on this elevation. The ground floor would effectively be a basement level due to the difference in ground levels. The first floor would also be partly below pavement level particularly on the corner of Cheapside and Whitecross Street. In order to address this level change and still allow light to the first floor and railings and a lightwell is proposed.
- 4.21. The materials would be terracotta rainscreen cladding at the first floor with render system above and the top floor would be set back and would be aluminium rainscreen cladding. A projecting bay feature is proposed at the third to sixth floors on the corner of Cheapside and Whitecross Street and glazed curtain walling is proposed for this elevation. The rendered section of the building between the seven and eighth and eighth and ninth storeys is broken up by glazed curtain walling both with a section which is recessed and angled. Windows in the rendered sections would have a vertical emphasis and either a rendered or coloured metal panel adjacent to them.

North elevation (Cheapside)

- 4.22. This elevation of the building would also be broken up into three different heights. The ground levels are higher on the corner of Cheapside and Whitecross Street than the corner of Pelham Street and Cheapside. The ground level of the building would be at the pavement level on the corner of Pelham Street and Cheapside. However on the corner of Whitecross Street and Cheapside, only part of the first floor would be visible above the pavement. A lightwell and railings are proposed on the western part of this elevation.
- 4.23. The building would be part six, part seven and part eight storeys, however, the eight storey section would effectively be seven storeys above pavement level due to the difference in levels. A similar materials treatment to the west elevation is also proposed to this elevation, with the majority of the building being render on this elevation with aluminium rainscreen cladding at the upper level which is set back. Glazing curtain walling and terracotta rainscreen cladding are proposed to part of the ground and first floors. Glazed curtain walling which is part recessed and angled is also proposed to break up the rendered sections of the elevation which vary in height.

East elevation (Pelham Street)

- 4.24. As with the other proposed street frontages, this elevation of the building would also be broken up into three different heights and would be part eight, part seven and part six storeys in height. Glazed curtain walling is proposed at the ground floor with rendered sections above and the top floor would again be aluminium rainscreen cladding and recessed. Glazed curtain walling which is part recessed and angled is also proposed to break up the sections of the elevation which vary in height.

Phase 2b: Residential Development

- 4.25. This part of the application is an outline with layout, access and scale to be considered as part of this application. External appearance and landscaping would be considered at the reserved matters stage. Drawings which show the

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elevations are therefore indicative in terms of the design and external appearance of the buildings. However, the height of the buildings falls under scale and therefore does need to be considered as part of this application. Drawings which show the internal layout of the buildings are indicative only and would need to be agreed at a later stage, through a condition.

- 4.26. Up to 125 residential units are proposed. However, indicative floor plans show 123 units are proposed and would consist of 57 x one bedroom flats and 66 x two bedroom flats. This differs from other information within the application where the mix was given as 5 studios, 54 x 1 bed units and 66 x 2 bed units. However, the internally layouts are indicative. The principle of up to 125 units would however be established as part of this application.

Block A

- 4.27. This building would be part four, part five and part six storeys with a maximum height of 17.3 metres on the Pelham Street frontage. The main Pelham Street elevation would be six storeys in height with the top floor set back from the building line. Indicative floor plans show that this building could accommodate 43 x one bedroom units and 58 x two beds (total 101 units). 12 disabled parking spaces are proposed to the rear which would be accessed from Cheapside via an undercroft.

Block B

- 4.28. This building would be five storeys with a maximum height of 15.75 metres above Pelham Street. Indicative floor plans show that this building could accommodate eight x two bedroom units and two x one bedroom units (total 10 units).

Block C

- 4.29. This block would consist of two rows of buildings and both would be two storeys with a pitched roof over. Trafalgar Court would be opened up and the two buildings would follow a similar front building line to Trafalgar Court properties and the Gloucester Building. The indicative floor plans show that 12 x one bed units could be provided. Garden areas are proposed for the ground floor units.
- 4.30. The route through the archway at 15 York Place and access to/from Trafalgar Court would be opened up.

4.31. Gloucester Building

- 4.32. It is proposed to bring this building into use as a crèche. It is not considered that the change of use from educational use (D1 Use Class) to a crèche (D1 Use Class) would constitute a material change of use.

5 PUBLICITY & CONSULTATIONS

External

Councillors Deane and West object to the proposal and their letter is contained as an appendix to this report.

- 5.1 **Neighbours: 155** representations of objection have been received from the addresses which are contained in full within the appendix to this report. The following grounds of objection are stated:

Construction

- The noise caused by demolition and construction will have an unacceptable impact on residents.
- There will be a significant amount of dust as a result of demolition and construction.
- The future residents of the scheme will have triple glazing and mechanical ventilation, however existing residents will not be protected.
- The construction works will cause structural damage to existing buildings.
- Adjacent residents are at home during the day due to shift work and illnesses and will be exposed to construction noise during the day.
- The noise and vibration will be unacceptable for people who work from home and local businesses.
- Length of construction period is not temporary (up to 5 years).
- There will be a reduction in property prices and the Council should give compensation to residents for loss of amenity and reduction in property prices.
- The construction will have an adverse impact on trade.
- Damage to historic buildings caused by construction vehicles.
- Conditions should be imposed by planning committee which seek that full structural surveys should be done to adjacent properties.
- Loss of amenity due to construction site entrances being adjacent to residential properties.
- The Council have failed to properly assess the effect of the construction impacts on local residents. To grant approval would be a breach of the Council's own planning policies (policy SU9 and QD27 of Local Plan) and would be an unlawful decision and would be challengeable by judicial review
- The applicant has not addressed the earlier EIA Regulation 22 request for 'further information' in relation to the noise and vibration chapter. In particular the amended noise and vibration chapter mentions Pelham Street as a potential sensitive receptors but does not mention specifically numbers 1 and 2; does not detail exact plant and machinery for the operational phase; does not detail the exact methods and plant to be used for the demolition and construction period and has not assessed the noise levels at adjoining residential properties which will be within 10 metres of construction activities. Noise levels will exceed the 65 dB threshold recommended within the ES.
- The applicant has misled the Council and the public with regard to stating that construction impacts are not material planning considerations and by stating they do not have a detailed construction plan.
- Recommended daytime limits for construction noise will be exceeded at around 100 properties.
- The noise predictions for adjoining properties are higher than WHO recommended levels.
- The ES doesn't predict vibration levels at adjacent properties.

Communication & Consultation

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- The College have been misleading about the amount of consultation they have carried out.
- The Council should not give any weight to the consultation results reported by the College.
- It is not possible to deduct from the consultation if any of the respondents were local residents.

Public Square

- Noise and disturbance and antisocial problems.
- Students could drink and smoke in the square and hold parties.
- Will cause loss of privacy for adjacent residents
- People will congregate in then alleyway causing noise and disturbance
- The College don't secure the existing car park and it is used by street drinkers at night.
- The College are vague about when the gates to the alleyway will be locked.
- The plant operational times indicate the restaurant will be open until 11.30pm. So the alleyway would need to be open until this time.

College Building

- Loss of educational floorspace on site (18,112 m² - 60%) which is contrary to policy HO20 and the College is manipulating their figures.
- The Council needed to secure an additional 10,000 square metres of education floorspace when the decision was taken to mind to grant on the 2008 scheme.
- The applicant has not satisfactorily demonstrated that the redevelopment allows for a more efficient use of floorspace nor that there will be enough room for students.
- The new building would not be fit for purpose as it will not have enough teaching space.
- There is enough room for the College within the existing buildings with room for expansion. The college should borrow money to improve the existing buildings rather than rebuild.
- Timetable efficiency means longer hours of operation and greater impact on neighbours.

Student Accommodation

- The student accommodation (442 bedspaces) is contrary to policy CP21 as more than 300 bedspaces are being provided and the density of development is incompatible with its location.
- The site is near to other student accommodation Co-op (351 bedspaces), Buxton's (86 beds) Circus Street (486) Phoenix (298) Bellerby's (394) and there would be a concentration of 2,057 students next to or within half a mile of North Laine which would lead to studentification and is contrary to the 2009 Council's Report 'Students in the Community'.
- The Council's Report 'Students in the Community' found that St Peter's and North Laine was one of the most highly populated areas of students in Brighton & Hove and that noise complaints from student houses and halls of residents was a common complaint from residents.

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- The 'Students in the Community' Report also found that noise complaints in the street caused by students was too a common complaint and that the head of Environmental Health felt that there was little protection for the problem of street noise.
- The students will cause late night disturbance both at the site and in the surrounding streets and this could force existing residents to move out of the area.
- The ES does not assess the impact of late night noise and assessment.
- The Management Plan does not address antisocial behaviour in surrounding streets.
- The increase in students will cause a change in demographics which will result in too many young people and a lower class of shops, and would adversely affect the character of the North Laine.
- The local pubs will become full of students.
- It is not known who will manage the student accommodation when it is the holidays.
- The management plan will not stop noise disturbance.
- The North Laine area used to be quiet at night but now there is regular noise and disturbance and antisocial behaviour. Owner occupiers are already moving out mainly due to antisocial behaviour and vandalism. This application will adversely affect the mix of people within North Laine and its character.
- Increase in rubbish and broken glass on the street.
- The durations of the impacts will be forever, the frequency will be most nights and there will be no opportunity to reverse the impacts.
- The proposal will not free up family housing as they will just be filled with students again.
- Police at the Licensing Strategy Group on 28 October 2013 recognise that since the Licensing Act came into force the movement of people between midnight and 6am is colossal and the police are stretched to the limit.
- Students will smoke outside the building or in the public square and this will cause a nuisance.
- There Universities are not a benefit when there are people in the City which have to live near students.
- This proposal will replicate the problems which have been experienced by residents as a result of Phoenix Halls.
- Purpose built student accommodation does not resolve problems associated with students but makes them worse as high numbers of students are concentrated in one place.
- Limited amenity space provision for students.

Design, impact on conservation areas and listed buildings

- Trafalgar and York Buildings are key to the architecture of the North Laine and should not be demolished
- The proposed buildings will totally dominate and appear alien and obtrusive and cause significant harm to the North Laine conservation area and are not appropriate in terms of height and design.
- The proposal do not respect the urban grain of the North Laine.
- The development would obliterate strategic views

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- The proposal is contrary to policies QD1, QD2, QD4, QD27 and HE6 of the Local Plan and CP12 of the City Plan.
- The college and student buildings are inappropriate in height and do not relate to the previous Conservation Area Character Statement which requires that development must address the 6 to 8 storeys on the New England Quarter to the north-west and the domestic scale on the North Laine.
- The proposal is contrary to the North Laine Conservation Area Study and as such an approval would be unlawful could be challengeable by judicial review.
- The submitted photomontages are misleading and do not show the true impact on the North Laines conservation area.
- The buildings are little architectural merit cheap and ugly.
- The site is not suitable for tall buildings and replacement buildings should be no more than three storeys in height.
- The car park is the only last un-built space in the area.
- The proposal would harm the setting of Pelham Square.
- Development is overcrowded on site and too dense.

Amenity – Operational Impact

- Loss of light to property caused by new buildings.
- The daylight/sunlight/overshadowing chapter of the ES has omitted surrounding windows belonging to adjacent properties. Concerns about the accuracy of this chapter and the calculations.
- Loss of privacy to property and amenity areas caused by new buildings.
- Loss of view to property and amenity areas caused by new building.
- Odours caused by restaurant.
- Noise from the auditorium/arts space.
- Concerns about wind speeds on Whitecross Street.
- Concerns about the accuracy of the wind assessment

Residential scheme

- Must include affordable housing.
- Council will have no control over the design and height of the buildings could be 10 storeys in height.
- Lack of amenity space for future residents.
- The scheme could result in a total of 380 people which will not be families and is likely to be rented to students which will result in the number of students as a result of the development being 822.

Gloucester Building

- Object to the use of Gloucester Building a crèche with an outdoor children's play areas as it will cause noise and disturbance.

Transport

- Pedestrianisation of Pelham Street should be avoided as this will mean a large detour for vehicles and will put pressure on surrounding streets.
- Will increase on street parking demand where there is already a waiting list
- Increase in traffic as a result of students

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Other Issues

- The proposal is similar to the recent application for student accommodation at Richmond House (BH2013/02838) and should be refused for similar grounds, particularly as the mass scale and bulk of the proposed development is substantially larger than the existing College Building and would appear out of scale and overly prominent to in views of the North Laine conservation area, and the student accommodation and the public square would have a significant impact on the amenities of local residents and in particular noise and disturbance, as it does not make any provisions for on street parking in the surrounding area,
- The 2008 application should be given little weight as the Phase 2 development was less dense and didn't include students and the impact of the 2003 Licensing Act is now much clearer and the high number of students is beginning to have a negative impact on residents lives.
- The application is full of inaccurate information and the EIA is not robust.
- The College have asserted that the Council's Environmental Health Officer (EHO) is satisfied that his concerns have been addressed prior to any formal consultation response from EHO.
- The College have asserted that construction impacts are not material planning considerations.
- The re-consultation letters took several days to arrive and therefore the consultation period has been less than 21 days.
- The period of time between the consultation period ending and the report being finalised does not leave sufficient time for the Council to properly assess any representations received.
- Letter of support are not from local residents are some have connections with the College.

5.2 **30** individual representations of support have been received from the addresses which are contained in full with the appendix to this report. The following grounds of support are stated:

- Provision of improved high quality educational, skills and training facilities with modern teaching space.
- Current educational facilities on site are not fit for purpose.
- Improvement, enhancement and refurbishment of the environment of the area between London Road and the North Laine.
- Provision of outdoor community space.
- Mix of uses will fund new college facilities.
- Contribution to City's need for homes and student accommodation.
- Will relieve pressure on other areas for student houses.
- Resulting economic benefit, including inward investment, to the City.
- Removal of unsightly older buildings.
- Greater accessibility to new college building.
- Will be in keeping with ongoing projects in the New England Quarter.
- No government funding is being used for the development.
- The development will create jobs.

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- 5.3 **80** standard representations have been received and the addressed are listed in the appendix. Ground for support are summarised below:
- Current buildings are not fit for purpose.
 - Need more inspiring teaching and learning areas to give facilities and student social spaces that future generations need.
 - Will not only provide first class learning facility but also improve the whole environment between London Road and the North Laine.
 - Will allow the College to become a real asset to the residents of Brighton and Hove.
- 5.4 **26** standard representations have been received and the addressed are listed in the appendix. Ground for support include those stated above plus the additional reason below:
- New hairdressing salons will be far more state of the art, attract more customers and realistic to working in the industry.
- 5.5 **101** standard representations have been received and the addressed are listed in the appendix. Ground for support are summarised below:
- City College is the most important provider of education and training for young people and adults in Brighton and Hove, particularly from minority and hard to reach backgrounds.
 - Current buildings and facilities are not good enough to deliver the top quality curriculum these members of the community need.
 - Whole redevelopment, including student residential accommodation, will help to regenerate the run-down area between North Laine, London Road and New England.
 - Will boost business, make the area safer and more accessible for vulnerable people, and provide new jobs and opportunities.
 - Important that young people, coming to study at University, have somewhere clean and safe to live.
 - Will also help free up housing for families and permanent residents in areas of the City where there is currently a lot of private student housing.
- 5.6 **Brighton & Hove Archaeological Society:** The proposed development is close to a number of find sites which have produced Romano-British material. Therefore suggest that the County Archaeologist for his recommendations.
- 5.7 **Brighton & Hove Business Forum:** Support the application. The buildings at the campus are long past their sell-by-date and it is a travesty that young people have to learn in an environment that dates back to the 1970s. The College is one of the City's greatest assets but has inadequate facilities that prevent it from reaching the outstanding status that is required to produce the workforce of the future. The proposal will provide first class learning facilities that the students deserve and will also improve the built environment between London Road and

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the North Laine. The removal of car parking is welcomed. Aware of objections from local residents but the City must build for its future.

5.8 **Brighton & Hove Economic Partnership:** The buildings are not fit for the purpose of 21st century educations. The proposal will provide a first class learning facility but also contribute to the regeneration of the London Road area. City College is an incredible asset to the City and this proposal would allow it to continue to deliver the highest standard of education. The proposed student accommodation would help the City cement its place as one of the most popular university towns in the UK which will in turn provide a world class workforce.

5.9 **CAG:** The Group recommend refusal due to the inappropriate nature of the design. The Groups also recommended that if the scheme is approved the following matters should be considered:

- More detailed consideration should be given to the retention of the properties at Trafalgar House, York House and Cheapside;
- Historic nameplates should be part of the development;
- The proposed wood cladding on the canopy of the main College Building is inappropriate due to the likely effects of weathering.

5.10 **County Ecologist:** Comments made on 29 August 2013.

5.11 The sycamore tree will be removed. This tree was identified as one of the species of greatest value in the context of the site along, but of low ecological value in the context of the local area. The tree has been assessed as having negligible potential for bats. In this context, and considering that a line of trees will be planted as part of the development, the loss of the single sycamore is acceptable.

5.12 There was reference in the previous Biodiversity Chapter to the ES to related to the provision of a roof terrace to be planted to provide structural diversity, including log piles. A roof terrace and the tree line will provide “green stepping stones”, broadening the green corridor between The Level and the Brighton Station Greenway, therefore a roof terrace should be provided.

Comments made on 30 July 2013

5.13 The level of surveys undertaken is sufficient to inform appropriate mitigation, compensation and enhancement. There are unlikely to be any significant impacts on any designated sites or protected species. The majority of the site comprises hardstanding and buildings and is of low ecological value. The habitats of greatest value are the mature planted trees within and in the area surrounding the site. Trees should be retained and protected where possible in line with the submitted arboricultural report. The site has negligible potential for reptiles, bats, dormice, great crested newts and invertebrates and therefore no mitigation is needed for these species.

5.14 York Building has a high potential for breeding herring gulls. Under Section 1 of the Wildlife & Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from

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being damaged, destroyed or taken. Demolition of the building should take place outside of the bird nesting season (generally March to August inclusive). If this is not reasonably practical then a nesting bird check should be carried out prior to any clearance works by a appropriately trained, qualified and experienced ecologist. If nesting birds are found then an appropriate buffer zone should be maintained until the young birds have fledged and left the nest. Alternatively, netting could be erected over the flat roof prior to the bird nesting season. In addition if nesting birds are found in any vegetation to be cleared, clearance must stop until the fledglings have left.

5.15 The following mitigation proposed within the ES should be supported:

- Retention of the sycamore tree;
- Tree planting immediately to the west of the Cheapside development;
- Using appropriate native species of local provenance where possible and including herb species within the planters;
- Creation of a roof terrace which should be planted to provide structural diversity, including log piles;
- Planting scheme should include native species of benefit to wildlife;
- Incorporation of swift boxes, sparrow terrace nest boxes and bat boxes;
- Incorporation of a replacement flat roof for nesting gulls;
- External lighting should take account of national guidance in relation to bats.

5.16 **East Sussex County Archaeologist:** Although this application is situated within an Archaeological Notification Area, there has been a very high level of past impact on this site by both the construction of the current buildings and the previous construction and demolition of the Victorian terrace housing. Therefore believe that it is unlikely that any significant archaeological remains survive. The potential for deeper Pleistocene deposits is also low given the sites location on the side of the chalk combe valley and well to the north of the known extent of the Brighton raised beach deposits. For this reason make no recommendations.

5.17 **East Sussex Fire & Rescue Service:** No objections. Make the following comments:

5.18 The size and height of the proposed development will require the installation of fire fighting shafts and dry riser installations in order to satisfy the requirements of Building Regulations. Although this will be enforceable at Building Regulations approval stage, the applicant should be advised to ensure that the necessary provision for fire fighting access, both for personnel and vehicles and for hydrants for water supplies is considered at an early stage, to ensure that their inclusion later does not necessitate changes to plans which will require further Planning Approval. Recommend that full automatic sprinkler provision is included in the plans for the new development in the interests of both the safety of persons using the premises and business continuity.

5.19 **English Heritage:** With regard to the proposed development, English Heritage's remit is in relation to the setting of the two highly graded buildings in proximity to the site St Bartholomew's Church listed at Grade I to the south and addresses

Ann Street and is visible in views from Pelham Street ; and St Peter's Church listed at Grade II* to the east. English Heritage also has a remit to provide advice where the LPA perceived that a proposal would affect the character or appearance of a conservation area, in this case the North Laine and Valley Gardens Conservation Areas which sit to the south and east of the site respectively. This response therefore focuses mainly on these three issues, and does not seek to provide detailed advice on design matters as these are most appropriately addressed by the LPA's own specialist conservation and design staff.

5.20 Trafalgar and York Buildings are considered by the LPA as undesignated heritage assets, of some historic and architectural interest as part of the development of the Brighton Board Schools by Thomas Simpson & Son. English Heritage agrees with this assessment, and their loss, and the impact this would have on the character of the conservation areas must be weighed against the wider public benefits of the proposal (NPPF para 135). The Trafalgar Building was at the time of construction a handsome building with alternating bands of brick and stonework and elaborate Dutch style gables. The Pelham Street elevation has been much altered by later additions, and while of some townscape merit, its loss is likely to be outweighed by the public benefits associated with the scheme. English Heritage was unable to access the site to make a full assessment of the York Building, which we understand to be a more intact example of the historic school use, but we agree with the Council's Conservation Officer that the townscape value of the asset is limited, and the creation of a new east-west pedestrian access route through the site is a significant public benefit. A further school building, Gloucester is to be retained. It is indicated as being outside of the application site boundary, but within the ownership of the applicant. This building is within the North Laine Conservation Area and makes a positive contribution to it. We understand the building to be vacant, and its exclusion from the application site leaves it vulnerable. The crèche proposal seems a sensible one and would provide a sustainable use for this building (in line with paragraph 131 of the NPPF) which would be the only remaining building representative of the historic school use in this location.

5.21 Turning to the western part of the site, the Pelham Tower and surface car park bear no relation to the historic street pattern in this part of Brighton, which was originally more akin to the tight urban grain of the North Laine Conservation Area to the south. The redevelopment of this part of the site offers a clear opportunity to enhance the setting of the conservation areas and begin a process of tying back together this part of Brighton's townscape in a more coherent way. English Heritage accepts that a higher density development is required here, and that the principle of taller buildings, of up to nine storeys has been accepted in previous iterations of the proposals. The scale and massing of the new buildings represents an appropriate transition between the Valley Gardens and the North Laine Conservation Areas, and the larger scale development to the west. Buildings would step down in height from west to east with the topography which will help retain or enhance most key views. The prominent view of the tall gable end of St. Bartholomews Church, and its fine rose window would be enhanced, in part facilitated by the slight widening of Pelham Street and its proposed use as a

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shared space, which offer the additional benefit of improving opportunities for visitors to enjoy this aspect of the Church.

- 5.22 English Heritage is in general supportive of the scheme, but recommends that greater consideration is given to the inclusion and adaptation of the Gloucester building, and that the advice of the LPA's design officer is sought in relation to the new build proposed, particularly the elevations fronting Pelham Street within the setting of St Bartholomew's Church.
- 5.23 **Southern Water:** The exact position of the combined sewer and water mains must be determined on site by the applicant before the layout of the site is finalised. It might be possible to divert the public sewer as long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Therefore recommend conditions to require the protection of public sewers and water apparatus and for a formal application to be made in order for connection to the public sewer.
- 5.24 Southern Water's initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDs). Under current legislation SUDs rely on facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.25 Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on site mains to be made by the applicant or developer. An informative to this effect is recommended.
- 5.26 **Environment Agency:** No objection subject to conditions to require the following:
- Contaminated land desk top study, site investigation and if necessary remediation work and verification report;
 - Contaminated land discovery and remediation;
 - Prior approval of any SUDS infiltration of surface water into ground;
 - Prior approval of piling and any ground source heating and cooling systems;
 - Prior approval of the foul and surface water drainage system;
 - Prior approval of any storage of oils, chemicals and contaminative materials;
- 5.27 **North Laine Community Association (NLCA):** Object to the proposal. The proposed development would have a detrimental impact on the North Laine conservation area. The proposed development is more dense than the existing

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college buildings and is at odds with the small scale nature of the North Laine which consists of largely narrow Victorian streets of terraced houses of two or three storeys organised on an irregular linear grid street pattern with dominant materials being painted stucco walls of brick or bungaroosh and slate roofs. The proposed development does in no way enhance the buildings or townscape of North Laine and will have a detrimental impact on the skyline of North Laine. The College have submitted additional views from Sydney Street and these views accord with the drawings that the NLCA have produced and show how the proposed College would block the view north of Sydney Street and there would be less skyline visible from Sydney Street. The proposed building is not an improvement over Pelham Tower as it will be closer to the North Laine. The proposal has little architectural merit and the height, scale, bulk and design of the proposals will appear quite alien to the small scale nature of the North Laine. The proposal is contrary to policy QD4 of the Local Plan and policy CP12 of the Submission City Plan.

- 5.28 The proposal for a 10 storey student building will not enhance the small scale townscape of the North Laine. The proposal does not comply with the requirements of the Tall Buildings SPG and the visuals are misleading.
- 5.29 It is inappropriate to have outline planning applications for schemes which are adjacent to conservation areas. Six storeys is too high for the new residential buildings and the development will be too dense. CAG members were told it may well be higher once a developer has bought the site.
- 5.30 There is no mention of the application documents of listed properties in Pelham Square or on Kensington Place. There is no reference to the requirement of the North Laine Conservation Area Study and the need to reinstate the original building line where lost (Pelham Street).
- 5.31 The problems with the public space close to Phoenix Halls were highlighted in the 2009 Scrutiny Report on 'Students in the Community' along with other significant problems with student behaviour and the studentification of areas. The Report found that North Laine and St Peter's was one of the most highly populated area of students in Brighton & Hove and that noise complaints from within student housing, from within halls of residence and from surrounding streets were common complaints from residents. The Head of Environmental Health and Licensing said he felt that addressing the problem of street noise was a gap in protection for residents.
- 5.32 Students are likely to gather in the public space to smoke and to have large scale gatherings. There is no management for the public square and it will become a magnet for anti-social behaviour. Already this area has problems with rough sleepers and street drinkers. Pelham Square has to be closed after 6pm because of antisocial behaviour. There are constant references within the application documents to the North Laine being vibrant which means extremely lively. Residents do not want a lively area they want to be able to enjoy their homes in peace. The applicant has not shown that the requirements of Submission City Plan policy CP21 have been met and the scheme is contrary to policies SU10 and QD27 of the Local Plan. The potential noise and disturbance

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as a result of 442 students located on this site as well as 351 students at the Co-op and 86 at Buxtons is a major concern in terms of noise and disturbance to residents. The NLCA is not anti-student or anti young people. The issue is that residents are already woken up by rowdy drunken behaviour on their doorsteps and most of it is from students.

- 5.33 The scheme will result in the significant loss of educational floorspace on site and would be contrary to policy HO20 of the Local Plan. There is not the flexibility within the plans to provide for an increase in student numbers for the future.
- 5.34 The applicant's consultation prior to the submission of the application was flawed and it does not have the support of local residents.
- 5.35 The construction period will include activities such as demolition and piling and will generate impacts such as noise, dust and vibration over a wide area and would affect many people. The construction would last 4 years with piling for 20 weeks and will make the lives of people who live near by intolerable.

5.36 **Sussex Police:**

Comments made on 22 November 2013:

- 5.37 A monitored CCTV system should be a consideration both internally and externally throughout the development and recommended that a set of operational requirements is drawn up. Lighting will also be key and should be commensurate with the CCTV equipment.
- 5.38 Welcome the decision to gate the alleyway adjacent to 2 Whitecross street. Regard should also be given to reducing the opportunity for skate boarders in all public areas and to prevent members of the street community taking advantage of the public spaces. Consultation should be undertaken with the local Neighbourhood Policing Team so they can highlight any concerns and provide possible solutions.

Comments on made on 15 July 2013

- 5.39 Due to the application being outline comments are broad and more detailed comments will be provided at the reserved matters stage.
- 5.40 The City has level of crime which are above average when compared to the rest of Sussex, however, given the sites location within the heart of the City, do not have undue concerns with the present level of crime within the immediate area.
- 5.41 Have some concerns regarding the amenity of the residents that border the development, particularly 2 Whitecross Street whose property abuts a proposed pedestrian walkway which leads to a public square. The unobserved area within the walkway could encourage loitering and become a hot spot and experience loitering and acts of antisocial behaviour. Within the 7 attributes of Safer Places under Access and Movement is states '*Crime and anti-social behaviour are more likely to occur if there are several ways into and out of an area, providing potential escape routes for criminal activity*'. Question whether this proposed route is fit for purpose and indeed necessary, when there is adequate access into the square from Redcross Street approximately 50 metres away in addition to the

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access at Pelham Street. Recommend that the main access points into the development should be Pelham Street and Trafalgar Street. This approach ensures that the entry points into the development provide good active frontages with the public areas benefiting from being overlooked.

- 5.42 Security into the site and the college academic buildings will be important but the security into the residential blocks will be of paramount importance. Communal doors to accommodation blocks should have an access control system fitted with independent room doors benefitting from a PAS 024 accredited door, complete with security chain and viewer fitted. All ground floor and easily accessible windows are to conform to BS 7950 (PAS024 as of the end of 2013) with laminated glazing to a minimum thickness of 6.4mm, P1A. To remove opportunist theft at ground floor I recommend that all ground floor openers have limiters fitted. LPS 1175 SR2 products for doors and windows could also be considered throughout the development and would be an acceptable alternative. Postal arrangements should be made to remove post delivery through individual doors.
- 5.43 The Safer Places document from the ODPM (2004) offers a good practice guide for the creation of well designed and safe places through the planning system. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.
- 5.44 **The Brighton Society:** Object to the proposal. The scheme is first and foremost a property scheme and will destroy the character, scale and grain of North Laine. It would loom large against the small scale nature of the North Laine and would be contrary to policy HE6 of the Local Plan. The replacement of 12 storey Pelham Tower with a new tower of 10 storeys which will be wider and bulkier is not acceptable. The views are inadequate and misleading and the proposal will have a significant adverse impact on the view from Sydney Street. The proposal is contrary to policies QD1, QD2, QD4 of the Local Plan.
- 5.45 The proposal is contrary to policy DA4 of the Submission City Plan as 442 student bedspaces are proposed rather than the 300 specified in the policy. This combined with the 351 at Co-op, 86 at Buxtons, 400 at Circus Street and 350 at Bellerby's will add 1,280 students to the City and will turn it into a student town. The public square will result in noise, disturbance and anti-social behaviour.
- 5.46 The Trafalgar and York buildings are undesignated heritage assets and these buildings along with the archway at 15 York Place should not be demolished.
- 5.47 **The Regency Society:** Welcome some aspects and object to some aspects. The existing car park has been in need of redevelopment for some years and welcome the new public square and new route through from Redcross Street to York Place. However question the need to demolish Pelham Tower as it is a good example of the department's work (Brighton Borough Council). For sustainability reasons more consideration should be given to its refurbishment.

Advocate the retention of all buildings to the east of Pelham Street and suggest they are used as student accommodation. Consider that the outline scheme does not contain enough detail about the design of the proposed buildings.

5.48 **UK Power Networks:** No objections to the proposal.

Internal:

5.49 **Accessibility Officer:** It is appreciated that this is not a detailed application for the internal layout for the housing, but the following observations may help when finalising the design.

5.50 Lifetime Homes

- There seem to be several doors that lack the necessary 300mm space at the leading edge.
- Some of the spaces within the bathrooms look fairly tight.
- There are many situations when achieving the necessary 300mm handrail projection beyond the top and bottom of flights would restrict the route of travel to an unacceptable extent. There are also situations where the handrail extension would not be possible due to the presence of doors.
- There may be situations when where the required 1200mm between the faces of kitchen units is not provided.
- The LPA will need to have details of level or sloping access to the building at the appropriate time but that should presumably be relatively easy to achieve given the site levels.

Wheelchair Accessible Units

5.51 If normal policy rules are being applied to this application, there would be 5 wheelchair accessible units in the affordable sector and 2 in the market sector (7 total). It would be useful to have the accessible units identified because none of the layouts indicated so far appears suitable in respect of space immediately inside the entrance door, space to store and charge an electric wheelchair or scooter or space for a suitable accessible bathroom.

5.52 The accessible units will all have to be at the entrance level because the design only provides for one lift per core and wheelchair accessible units above the entrance level would need access to two lifts.

5.53 **Air Quality Officer:** The Air Quality Chapter of the ES is very thorough and considers the developments impact on local air quality including potential changes in traffic flow (including bus services) and emissions from a CHP gas fired process.

5.54 The CHP is predicted to contribute $4.5 \mu\text{g}/\text{m}^3 \text{NO}_2$ to the eight or nine storey eight of the development. Whilst ambient concentrations at this height are expected to be at background levels and compliant with standards the contribution represents 11% additional to the annual mean standard for NO_2 .

5.55 The development is predicted to contribute close to half (0.43) of $1 \mu\text{g}/\text{m}^3 \text{NO}_2$ to existing air quality hotspots at residential properties close to the A23- York Place

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and Cheapside junction. Using the Sussex Air Quality and Mitigation Guidance such a development contribution to an existing area of exceedance can be characterised as medium adverse with the need for mitigation conditions for a recommendation for planning approval.

5.56 Recommend the following conditions:

- Contribution towards local air quality investigations (modelling and monitoring) in support of the Air Quality Management Plan and alternative fuel strategies requested to the sum of £25,000;
- Wiring for electric plug in for vehicles re-charging. The wiring should be in place before any surface parking is completed and should not add significantly to development cost;
- The flue height of the main gas fired CHP should be at least 2.5 metres above roof apex and has a velocity of at least 2.5 metres per second.

5.57 **Arboricultural Officer:**

Comments made on 1 October 2013

5.58 The possibility of the retention of the Sycamore tree has now been thoroughly explored. Remain disappointed that its retention is not possible, however, given that extensive tree planting is planned for the public square (including screening for the houses behind the square), therefore satisfied that this tree cannot be retained and reluctantly agree to its loss, subject to a robust landscaping plan regarding tree planting in the area.

Comments made on 2 August 2013

5.59 No objection subject to certain conditions. The Arboricultural report submitted with the application is comprehensive. Should this application be granted consent, two street trees will be lost to facilitate the new parking lay-by. One young Sycamore that has been categorised as a "B" grade – this means it is of moderate quality with an estimated remaining life expectancy of at least 20 years. This tree, although planted in a heavily residential area, is of relatively small stature and it is felt that the impact of its loss will not be too great. One semi-mature London Plane, also categorised as a "B" grade, will also be lost. Again, although it is of larger stature than the Sycamore mentioned above, the Arboricultural Section would not object to its loss at this time. It is to be hoped that an extensive landscaping condition will adequately compensate for the loss of the above two trees and the Arboricultural Section would ask for replacement trees to be contained within this condition.

5.60 A further tree on the site itself is also earmarked for removal, however, the Arboricultural Section objects to the loss of this tree and questions why it is felt necessary to remove this tree at this time. It is a mature Sycamore tree that has been categorised as an "A" grade, meaning it is a tree of high quality with an estimated remaining life expectancy of at least 40 years.

5.61 This tree is the only tree of some maturity and stature in the vicinity, and according to the plans, the area within its vicinity is laid to landscaping. The Arboricultural Section would ask that this tree be retained if at all feasible and

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protected during the course of the development along with other trees that are due to be retained.

- 5.62 Tree T10, a Sycamore within the grounds of 89 Trafalgar Street, is covered by Tree Preservation Order (No 3) 2009 and as such any building works carried out within the Root Protection Zone of this tree must be the subject of a Construction Method Statement paying due regard to the tree's environment.
- 5.63 A full and comprehensive Arboricultural Method Statement should be the subject of a condition attached to any consent granted covering items such as, amongst others, Tree Protection measures, Utility Service Connections, Site Compound configuration, Site monitoring programme, Pruning operations etc.
- 5.64 **Building Research Establishment Limited (BRE):** The BRE were appointed by the Local Planning Authority to independently assess the **daylight, sunlight and overshadowing chapter and the wind environment chapter of the ES.**

Comments made on 21 October 2013 on Daylight/Sunlight/Overshadowing Chapter received on 7 October 2013

Existing Properties - Daylight & Sunlight

- 5.65 Trafalgar View: Loss of daylight to all windows would be within the BRE guidelines and therefore not significant. There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.66 87 – 91 Trafalgar Street & 1- 2 Whitecross Street: The window locations in the ES map now appear to correspond to the actual window layout. The ES predicts that loss of light to all windows in the rear facades of 87-91 Trafalgar Street would not meet the BRE Guidelines. VSC with the development in place would range from 11-23% and would be between 0.65 and 0.73 times their existing values. This would be a significant loss of light. In this façade there are thought to be two kitchen windows and 5 bedroom windows.
- 5.67 The ES predicts that all windows at 1 & 2 Whitecross Street would meet the BRE Guidelines except for the ground floor windows and the right hand first floor window of 2 Whitecross Street, which marginally fail. This would be a minor loss of light.
- 5.68 In total for both 87 – 91 Trafalgar Street and 1 to 2 Whitecross Street 20 windows would have a loss of light outside the BRE guidelines. However, some of these may not light habitable rooms, or may be secondary windows to rooms with another, larger window.
- 5.69 There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.70 92 – 96 Trafalgar Street & 1 to 2 Pelham Street: The window locations in the ES map now appear to correspond to the actual window layout. The ES predicts a loss of light to 12 windows in the rear of properties 92 – 96 Trafalgar Street which

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would not meet the BRE guidelines. However, some of these windows may not light habitable rooms. Most of the windows would have a loss of light only marginally outside the BRE guidelines.

- 5.71 Loss of light to 1-2 Pelham Street would be within the BRE guidelines.
- 5.72 There would be no impact on sunlight to these properties as the new development would be located to the north of all of these properties.
- 5.73 Foyer Housing: The western elevation of this building would experience some loss of light as a result of the new college building, however, the light received would still be within the BRE guidelines. The east elevation would experience an increase in light as a result of the demolition of York Building and replacement with lower buildings. This increase in light is small for most windows, apart from two at the ground floor where the increase in light is significant.
- 5.74 Loss of sunlight to this building would be within the BRE Guidelines. Many of these windows would not experience a change in the amount of sun received.
- 5.75 1-4 London Road: Although windows to this building have been analysed they are thought to be commercial space within the Aldi Supermarket.
- 5.76 45-47 Cheapside: Loss of daylight to all windows would be within the BRE guidelines.
- 5.77 Loss of Annual Probable Sunlight Hours (APSH) would be within the BRE guidelines, although 15 (not 17 as stated within the ES Chapter) would experience a loss of winter sun outside the guidelines. The winter sunlight hours with the new development in place would be less than 5% and less than 0.8 times the value before (more than 20% reduction), and the reduction in sunlight over the whole year would exceed 4% of annual probable sunlight hours. This would be classed as a minor impact. It is not known how many of these windows light main living rooms.
- 5.78 New England Quarter flats (Blackmore Court, Cheapside): These flats are some distance away and the daylighting and sunlighting impacts would be negligible.
- 5.79 15 – 19 and 21 – 23 Trafalgar Street: These flats and houses face north towards the development across Trafalgar Street, but their view of it would be restricted by the existing housing opposite. Loss of daylight to all windows would be within the BRE guidelines. There would be no impact on sunlight.
- 5.80 Trafalgar Court: These windows would have an oblique view of part of the new development. There would be very small gains in light following redevelopment. There would be no impact on sunlight.
- 5.81 8 – 30 York Place: The ES now includes all windows which were missing previously. There is a mistake in the VSC tables for 8 – 10 and 11- 14 York Place. The reported changes do not agree with the values of the VSC for the same windows. Assuming the basic VSC values are correct, most of the

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windows would have small increases in light. For seven windows (two in 11 and one in each of numbers 13, 14, 16, 17 and 18 York Place) the gain in light would be significant.

- 5.82 There would be little change in the sunlight received by these windows. Any loss of sun would be within the BRE guidelines and some windows would have small gains.
- 5.83 Hobgoblin Public House: The rear of the building is currently obstructed by the Cheapside building. Most of its windows would have small increases in daylight and sunlight following redevelopment.
- 5.84 St Peter's House, York Place: The main facades face north and south. The new development would have a negligible impact on daylight to most windows, but four windows (on the ground floor on the south side) would experience a significant increase in light. Any loss of sunlight would be within the BRE guidelines.
- 5.85 Theobald House: This tower block would have a view of the new College Building. Loss of daylight and sunlight to all windows would be within the BRE guidelines.

Proposed Buildings – Daylight

- 5.86 For the college building, the vertical sky components would be generally reasonable giving good access to daylight for the majority of locations.
- 5.87 Vertical Sky Components (VSCs) for the outer facades of the student residential are also good. However, there is restricted daylight provision to the lower floors of the windows looking into the internal courtyard. Around 60 windows would have vertical sky components less than 15%, meaning that very large windows would be needed to provide enough daylight. In cases like this the BRE recommends carrying out an Average Daylight Factor (ADF) to check if the proposed rooms will receive enough daylight. For a student room, ideally an ADF of 1.5% (the minimum recommendation for living rooms in the BS806 Part 2 should be achieved. As a bare minimum the recommendation for bedrooms (1% ADF) should be met. The ES Chapter carried out such an analysis for a 'worst performing room' in the student accommodation, using a large floor to ceiling window. This shows that it is possible to obtain an ADF of 1.5%.
- 5.88 The main concern for daylighting of the new buildings is the siting of Building A of the proposed residential development. Its main west façade is directly opposite and within close proximity to the student residential building and part of the college building. The ES Chapter has now carried out an analysis of with the balconies removed from windows in this critical location. All of them would now have VSCs of above 5%. An ADF analysis for a for a 'worst performing room' in Block A, using a large floor to ceiling window, shows that it is possible to obtain an ADF of above 1.5%. The scheme is an outline only for this element and room layouts have yet to be decided. For the final scheme the Council may wish to recheck daylight and sunlight provision.

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- 5.89 It should be possible to design Buildings B and C to achieve adequate daylight, as they are less obstructed and do not have large balconies.

Proposed Buildings Sunlight

- 5.90 The majority of rooms in the new residential development are indicated to face east or west and therefore receive some sunlight, even if most do not meet the guidelines within in BS8206 Part2. Building B is predominantly north facing, but the indicative drawings show that bedrooms have been faced in the north façade and the living rooms each have an east or west facing window. This is a sensible arrangement.

Overshadowing – Open Spaces

- 5.91 The development is to the north of gardens/amenity spaces to the rear of Trafalgar Street, Whitecross Street and Pelham Street and would therefore result in no additional shading on March 21.
- 5.92 Three of the four open spaces within the new development would receive adequate sunlight; the fourth (the courtyard in the student residential block) is marginal.

Comments made on 18 July 2013

Daylight – Existing Buildings

- 5.93 Loss of daylight would be outside the BRE guidelines for some windows in 87-96 Trafalgar Street and 1-2 Whitecross Street. The data in the ES Chapter gives a total of 17 windows that would not meet the guidelines. However some of these light bathrooms or circulation areas, and there are other windows which they have not analysed. Overall, between 12 and 18 windows would be expected not to meet the guidelines, and some of these would only be marginally below the recommendations. None of these figures are consistent with the summary in the ES (pages 14-15) which states that 4 rooms in 88-91 Trafalgar Street and three in 92-95 Trafalgar Street experience minor adverse impacts. The summary also cites 5 windows in the City College Building (probably this refers to Foyer Housing) with minor adverse impacts; although all the windows in this building in fact meet the BRE guidelines.
- 5.94 Loss of light to all the other buildings analysed would be within the BRE guidelines, and there would be significant increases in light to a small number of windows (eleven in total).
- 5.95 The window locations in the map within the ES do not correspond to the actual window layout. In number 91 Trafalgar Street there are two windows at second floor level and one on the first floor, but two windows at first floor level have been modelled. The left hand one of the two windows at second floor level is understood to light a hallway.
- 5.96 In numbers 89 and 90 Trafalgar Street the correct number of residential windows has been modelled but the levels do not appear to be correct; these windows are at first and second floor level. The second floor windows are understood to light bedrooms; the first floor windows are understood to light a kitchen in 90 and a bathroom in number 89 Trafalgar Street.

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- 5.97 In 1-2 Whitecross Street there are a glazed door and smaller window in each property at ground floor level, which have not been modelled. These may light living rooms or kitchens.
- 5.98 In addition the ES chapter appears not to have modelled the rear extensions to numbers 90 and 91 correctly, in particular the sloping walls.
- 5.99 The ES Chapter has also omitted to analyse some windows in 11 and 12 York Place. In the centre of the figure is the rear extension to number 12, the end elevation of which contains two windows at first and second floor level. To the right there are first floor windows at the rear of number 11, which are understood to light kitchens. These windows should be analysed as they are close to the boundary and would have a direct view of the new development.

Daylight – Proposed Buildings

- 5.100 Some of the windows to the internal courtyards of the proposed student residential accommodation receive limited amounts of daylight. A more detailed calculation is recommended to show whether these rooms would have enough daylight.
- 5.101 A major concern is the limited daylight provision to the west side of the proposed new residential building A, which is heavily obstructed by the student accommodation and college opposite and by its own balconies. The siting and massing of this block should be reviewed.

Sunlight

- 5.102 Sunlighting impact to surrounding windows could not be reviewed because Hilson Moran's data are obviously incorrect, exceeding the theoretical maxima in many cases. However it is not expected to be a major issue because the most obstructed windows (those listed above) face north.
- 5.103 Comments from the BRE regarding the wind assessment are included below:

Comments made on 4 October 2013 regarding the wind environment chapter dated the 17/09/2013:

- 5.104 The wind environment chapter of the ES is based upon a wind tunnel investigation undertaken at BMT. The BRE are well aware of BMT, its facilities and its professional reputation. The wind tunnel investigation appears to have been undertaken in a proper manner.
- 5.105 BMT have used the wind comfort criteria developed by Lawson for London Docklands. These criteria are similar to (but not the same as) the Lawson (1980) criteria that BRE would normally use. This means that numerical results are then interpreted ('or binned') into the different wind comfort categories (e.g. standing walking etc). Therefore, since the numerical are small, the 'binning' process almost always produces the same wind comfort criteria category. This means that differences between assessments of the wind conditions made using either the Docklands or the 2008 wind comfort criteria are, for practical purposes, unimportant.

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- 5.106 The results from the ES Chapter are consistent with the wind conditions the BRE would expect to see for a site in Brighton which is away from the seafront. The Wind Assessment is clear and easy to understand. Furthermore, the BRE endorse the decision made to analyse the wind tunnel assessment using the Thorney Island long-term wind statistics which has been justified within the ES Chapter.
- 5.107 The BRE consider that the wind tunnel testing work undertaken is reasonable and that there are no errors in either the test methodology or in the analysis processes. The BRE support the conclusions reached in the ES and the assessments of the likely wind conditions around the existing and proposed schemes.
- 5.108 By comparing the baseline and proposed worst case season results it can be seen that the proposed scheme worsens slightly the wind conditions along the east side of the northern end of Whitecross Street. The ES Chapter does not comment specifically on this degradation, but instead it notes (correctly) that the wind conditions of these two scenarios are appropriate for its intended pedestrian usage. The reason for the BRE bringing this to the Council's attention is that, even though the wind conditions are appropriate, the proposed scheme is likely to be perceptibly windier in this area and new buildings causing noticeably windier conditions tend to be noted by the public.
- 5.109 Redcross Street is not shown on any of the plans given in Source 1 of the ES and therefore the BRE were unable to comment on the findings.
- 5.110 The Legislative and Planning Context section of the ES Chapter does not consider all of the relevant planning guidance and requirements. There are a number of other documents which may be of relevance.

Comments made on 26 July 2013

- 5.111 The wind chapter of the ES is based upon a series of Computational Fluid Dynamics (CFD) simulations conducted by an unknown author. This review has raised a number of important concerns regarding the robustness, thoroughness and accuracy of the CFD study and therefore also the wind chapter of the Environmental Statement.
- 5.112 These concerns are briefly summarised as follows:
- The CFD study considered only mean wind speeds; important gust effects are therefore missing.
 - The meteorological data used as input to the CFD simulation does not correlate with UK Met. Office data for the same weather station.
 - No details are provided regarding the process by which the weather station data has been corrected for the conditions at the site. The calculated direction factors are not stated and so this process cannot be verified.
 - A number of locations around the proposed development are shown to have wind speeds of around 25 m/s (Beaufort Force 10), but this is not discussed in the text. Such winds speeds would make it almost impossible to walk, are

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likely to uproot trees and cause significant structural damage to nearby buildings.

- The accuracy and validity of the CFD results are called into question by the inclusion of such findings which are considered unlikely in practice.
- The building's geometries have changed since the CFD tests were conducted. An additional CFD test showed that the changed building geometries had a significant impact upon the result obtained; therefore the results presented are no longer valid for the updated form of the proposed development.
- A number of the CFD flow plots show unexpected, unexplained or otherwise anomalous flow features that do not correlate with those which would be typical around such buildings.

5.113 **City Clean:** If the student refuse is only collected weekly then recommend a refuse store of 240m². Recommend that 25 bins are provided for the residential scheme.

5.114 **Education:** Seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance would seek a contribution of £138,062 in respect of primary (£59,184) and secondary education (£78,878).

5.115 The closest primary school to the development is St Bartholomew's C of E Primary school which currently has no surplus capacity. The next closest community primary schools are Carlton Hill Primary, St Pauls CE Primary School, Elm Grove Primary, Queens Park Primary, Fairlight Primary and St Luke's Primary. Of these schools only Fairlight has any surplus places and even then this is only in Years 5 – 6, the lower years of the school are now full and we anticipate this being the case for the foreseeable future.

5.116 It is entirely appropriate to request a sum of money for primary and secondary education in respect of this development. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,520 primary places available and currently there are 2,427 children on roll. This gives an overall surplus of just 4%.

5.117 **Economic Development Team:** Fully support the application as it will provide the majority of City College's learning and teaching facilities. Request a contribution through a S106 agreement for the payment of £183,060 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the refurbishment of the building.

5.118 The Planning Statement submitted as part of the suite of documents to support the application sets out in detail the rationale to the comprehensive redevelopment of the site detailing the educational facilities, student accommodation and

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'enabling' development (private residential) which all form part of the hybrid planning application which is fully supported.

5.119 City College is the only vocational further education provider in the City and work with a wide range of partners in the delivery of the priorities for the City. They are a key partner in the City Employment and Skills Group assisting in the delivery of the 3 key priorities of the City Employment and Skills Plan 2011-14 for Brighton and Hove. Together with this, City College has taken a leading role in the Brighton and Hove Apprenticeship Strategy Group by establishing an Apprenticeship Training Association which will increase the opportunity for businesses to create apprenticeship positions.

5.120 Should the application be approved, the Developer Contributions Interim Technical Guidance, Local Employment and Training provide 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 it is requested that the following contributions are sought;

- New commercial development - the college of 12,056m² @ £10 per m² = £120,560
- New residential units 125 @ £500 per unit = £62,500
- The total amount sought through the S106 agreement = £183,060

5.121 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 by 20% local employment (where appropriate) for the construction of the new buildings.

5.122 **Environmental Health:**

Comments made on 15 November 2013

5.123 Recommend approval, subject to a number of conditions to control, noise, potential land contamination issues and light.

Noise and Vibration

5.124 The most current version of the report is dated 31.10.2013. The report demonstrated that both attended and unattended readings were taken for ambient noise levels on 2nd and 3rd of October 2012. An unattended period of 27 hours was undertaken at two sites and attended monitoring was carried out for a period of 1 hour and 5 minutes. The readings taken are important as they form the basis for a number of future areas. In particular, the lowest readings form the basis for future external plant to be designed to operate against. Of equal importance, the readings also provide the consultants with figures to calculate threshold limits for construction site noise, which is conversant with the processes identified and listed in BS5228:2009, parts 1 and 2.

5.125 The ambient noise readings also reflect the sites noise climate and what measures may be necessary to provide the college with a useable building and

indeed an appropriate studying environment for students in the Site B build. It is stated in a number of areas that the predominant noise is that caused by road traffic noise. All the documents referenced within the report are appropriate, necessary and current. These are BS4142, BS8233, BS5228:parts 1 and 2. An educational reference of BB93 is also used to ensure that the internal spaces within the college are capable of being used for teaching purposes.

Construction Site Noise

- 5.126 The acoustic report in making predictions about construction site noise also references that the site has a number of residential receptors in close proximity, with these being Whitecross Street, Pelham Street, York Place, Trafalgar Street, Cheapside, Theobald House, and Pelham Tower, as the build will be phased and once the college is built, this will also become a noise receptor and require protection during the SRA build. There is also an Outline Methodology for the construction phase which has been drawn up by Osborne.
- 5.127 The report details that the whole site is likely to take around four years to complete, with an initial breakdown being Phase 1 as 84 weeks and Phase 2 being 112 weeks. It is stated that the likely areas for concern with regards to noise in the construction phases is piling. However the report is clear in that it states that mitigation measures will be in place to minimise and reduce noise levels from the build. References are made to a prior working agreement through section 61 of the Control of Pollution Act 1974, which allows the City Council to set hours, and conditions necessary for the build with the aim of protecting local residents. Would anticipate that any end contractors would be required to sign up to a phased section 61. The report indicates that the client is willing to undertake this and as such, would recommend that this is best achieved through an undertaking in the section 106 phase. This has regard to best practicable means as defined in section 72 of the Control of Pollution Act 1974 and additionally, the British Standard 5228:2009, Parts 1 and 2.
- 5.128 Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. This is why it is important to put the onus onto the developers to come up with a plan to minimise complaints, design their timetable with best practicable means in place, meet with residents, have complaint handling systems in place and generally be a good neighbour, especially given the length of the proposal being approximately 4 years. This may be achieved using a Construction Environmental Management Plan which also requires the final developer to sign up to a section 61 prior agreement as above. Whilst the department are required to investigate complaints, we are unable to provide inaudibility as a criteria during the construction period. Any CEMP would also contain measures to control dust on the site during construction phases. We are duty bound to further consider best practical means.
- 5.129 Chapter 15 also makes reference to the fact that the proposed developer is committed to having onsite automated monitoring for both noise and vibration. Such monitoring will allow an assessment against the levels as described above during the construction phase. Baseline vibration monitoring will also be carried out prior to construction commencing. Vibration is considered within the report

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on both the effect on people and equipment in buildings and additionally the impact on buildings themselves with three British Standards appropriately referenced (5228, 7835 and 6472). Paragraph 15.97 provides a description of the likely levels and the report goes on to discuss the likelihood of adverse comment from occupiers of buildings is considered to be low. The college building will also become a receptor.

Operational Noise

- 5.130 Noise with regards to the day to day operation of the college would relate to the operation of external plant located on the college roof and any servicing of the site. A condition is necessary to ensure that all site plant when running cumulatively is able to meet the City Councils noise standard which is 10dB below background noise level in accordance with BS4142. It is important too that any external plant is free from any low frequency tones which by their nature are noticeable and do attract complaints.
- 5.131 A reference is also made to life safety plant and testing this on a monthly basis during weekday and working hours, to minimise any impact on either site users or adjacent residents. A condition is necessary to control this also.
- 5.132 The external plant condition will also apply to the operational electrical sub station which the consultants indicate is capable of meeting the specification and which is located between the college building and the SRA.
- 5.133 There are also elements within the student accommodation of living areas being above or adjacent to inherently noisy areas. An example being first floor bedrooms above a gymnasium area and as such there is a requirement for enhanced noise insulation or soundproofing. This is suggested within the noise report in paragraph 15.131 and may be achieved through a suitable condition. A similar example is student accommodation in close proximity to any plant rooms.
- 5.134 Note from discussions with the case officer that there are repeated references in letters citing Phoenix Halls. Investigations in the past by the department for the site identified that problems had been caused in the main by student bedroom windows and communal room windows being left open and as such the escape of both music noise and people noise. Students gathering and not being ushered in was also cited as an issue. The department have worked hard with the educational facilities to address these points and I am not currently aware of any recent problems.
- 5.135 I also note that in previous comments dated 3rd October 2013, I made reference to the student induction process. I note that I have since received and reviewed an amended document which details the stringent student welcome package which incorporates both noise and anti social behaviour into the document. This was dated 30th September 2013.
- 5.136 Whilst the department are able to investigate noise complaints received, there is an element of responsibility on the part of the college to manage the students

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and areas under their control. An additional area which will be conditioned is the management of open realm spaces and land under the college's control.

Protection of college users and student accommodation from existing noise levels

- 5.137 The report acknowledges that the facade and windows are the important design features to keep unwanted noise out and prevent break in. For the college, it is stated that opening any windows will increase noise levels which can have an impact on teaching and internal spaces. As such natural ventilation is suggested using window and acoustically treated louvers, however this is very much at a design stage and not yet finalised. As such this may be dealt with using an appropriately worded condition.
- 5.138 Similarly, the Student Residential Accommodation is noted as requiring upgraded thermal double glazing and a ventilation system on three of its four facades. These are the North, East and West and whilst glazing recommendations are made in paragraphs 15.155 and 15.161, ventilation requirements are still to be specified and it is acknowledged that these will be finalised at the design stage. As such a condition is necessary to finalise these prior to construction commencing that will detail exactly what is necessary, and where.
- 5.139 It is appropriate that a condition is applied to ensure that the levels are actually met and that a scheme of testing to be agreed is carried out post construction but prior to occupation to demonstrate that levels in BS8233 are met.

Potential Land Contamination

- 5.140 It would appear that Ashdown Site Investigation have already examined the car parking area and not identified any significant contamination. This is relevant as the car park is where Phase 1 and the new college building will be placed. As such, it is recommended that a discovery strategy be placed to deal with any unexpected or accidental findings during that particular phase of construction. Any such reports are usually caveatted to suggest that whilst all due diligence has been exercised, by its very nature, there can always be pockets of localised contamination which were not obvious or foreseeable during a site investigation.
- 5.141 However, it is apparent that there are other potential sources of contamination within the site boundary, as the Waterman Environmental document suggests areas such as engineering workshops, oil storage tanks, plant rooms, chemical storage, waste storage and print rooms. The graphical conceptual site model in the May 2008 Waterman report also suggests a suspected air raid shelter and old fuel storage sheds and suspected underground coal storage areas (see below), hence comments earlier memos, responded to by the agents on 17th September 2013.
- 5.142 Whilst it is noted that Ashdown have examined the car parking area, as above this is key as it is the location for the new college building, however, it is also apparent that there is some disparity between what may be at the site. Whilst a discovery strategy may suffice for the college building, Phase 1, Site A, new phased land quality assessments are necessary for the demolition of Pelham

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Tower and the 3 blocks of residential properties which are part of the outline build. Any future land quality assessments must be redone to reflect the proposed end uses, and not the 2008 scheme which was different.

- 5.143 Any revised land quality assessments must reflect any localised planting or landscaping schemes and additionally the green-spaces which appear to be gardens at the rear of Block C (see below). Any further works must be targeted, include appropriate up to date references and standards and reflect the proposed end uses. They should also make reference to the sites previous reports having been carried out. This may be achieved through phased conditions for both 2a(the student residential accommodation (SRA) and 2b, the outline residential flats.
- 5.144 Any revised reports must also account for asbestos, as there is a conflict in what is discussed in the Waterman report and conceptual site model on page 18 and that of the agents letter dated 17th September 2013 (Harwood Savin Limited) about asbestos.
- 5.145 Whilst the Waterman report dated 2008 accounts for cemented asbestos in zone 1 for the majority of the site, the consultants letter suggests all known asbestos was removed during the 1990's as part of the Hunter Works initiative from central government.
- 5.146 As above, phased land quality assessment conditions are necessary for further elements of the site build.

Lighting

- 5.147 Chapter 19 of the ES is related to lighting. It would appear that a site survey has been carried out in January 2013, and levels and calculations undertaken with a Lux contour plan evident in drawing number DFL-0208-SL001in Appendix P1. Note that previous comments on the lux contours concerns regarding an area in Whitecross Street and note the response received from the applicant which suggested that this was not as a result of any new college lighting but existing street lighting. The response dated 19th August 2013, suggests too that there is further design to be carried out and as such a condition would be appropriate to ensure that the appropriate standards are designed to. Sensitive receptors are noted as being at likely locations such as properties backing onto Trafalgar Street, Whitecross Street, Pelham Street and York Place.
- 5.148 Any future lighting documentation must have reference to both horizontal and vertical illuminance to account for the varied receptors around the site. Theobald House for example has residential receptors at a variety of heights which need to be carefully assessed.

Comments made on 22 October 2013

Noise and Vibration

- 5.149 For such a detailed application, it lacks sufficient details to be able to make an informed judgement. It is appropriate to detailed design at such a detailed design stage.

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- 5.150 The report relies on acoustic monitoring which was carried out over a 27 hour window from 11:00 hours on 2nd October to 14:00 hours on the 3rd October 2012. This was a Tuesday to a Wednesday and used unmanned recorded equipment to provide a summary of noise levels, reflected in Table 15.10. The manned monitoring was complimented by a Hilson Moran employee carrying out noise readings for an hour and 5 minutes at 3 locations with a varying degree of durations. Of 14 measurements taken, these differ considerably between 3 minutes, 4, 5,10 and 15 minute durations. Measurement point B appears to be at the main entrance to the existing college car park. The monitoring locations and duration of the survey are not representative of the future use of the site and the report does not identify representative individual sensitive receptors.
- 5.151 The levels arrived at are important as they form the basis for subsequent construction site noise calculations and plant criteria to be met for operational external plant. The applicant/consultant has not provided rationale as to why Tuesday and a Wednesday were chosen and whether for the uses being proposed, these are in fact representative. Given the uses proposed, the length of the survey should be considered and reviewed.
- 5.152 As for any acoustic assessment, would also expect to see the full time history data for the measurements made, and rationale on why readings have been used as part of the assessment methodology.
- 5.153 The ES Chapter opens in chapter 15.1 stating that the chapter considers the potential impacts of noise and vibration from the demolition, construction and subsequent operation of the proposed development. However, consider that it does not robustly do either. The only discussions with regards to construction, stops at using a table from Annex C of BS5228:2009, of likely noise and worst case scenarios. There is little assessment of significance and assessing who will be impacted and when, aside from deriving threshold levels. The report whilst arriving at Construction Thresholds in paragraph 15.61, goes onto reproduce likely noise levels from operational activities in plant, from BS5228:2009, and acknowledges that in reality more than one activity will happen simultaneously, so levels could be higher. However, the report stops abruptly and does not further discuss any significance impact as one would expect and make further references to Annex E and specifically E2. The table of noise data is also produced at 10m, whereas if construction is carried out adjacent to the boundary, receptors are likely to be closer than this. The site is a complex build at many levels with noise sensitive receptors located around the site in all directions. Whilst table 15.12 in the report uses a percentage on time system, there is no discussion within the report of how long the build will actually take. Therefore consider that the construction implications of the site and the build have not been properly assessed and as such need to be revisited. Paragraph 15.2 reinforces this and also highlights the importance of this being appropriately assessed and includes "*the greatest potential for adverse impacts is likely to be demolition works and construction activities such as piling*".

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5.154 In terms of operational noise, there is extremely limited coverage within the report, which is argued by the author as being due to the fact that the detail can be worked out at a later date. Consider that this is a detailed major planning application but again lacks detail. Specifically, the following areas require attention:

- A list of all operational site plant needs to be presented with an idea of exactly where it is, when it will run and at what noise level. Specifically, is the plant cumulatively capable of meeting the city councils noise condition of 10dB(A) below existing background?
- The glazing specification for all facades and all storeys for all buildings need to be specified to ensure that levels within BS8233 and BB93 (where appropriate) are met.
- The ventilation for all rooms at all facades at all storeys needs to be considered further and a specification stated as to what level of protection is necessary.
- An assessment should also be made of balconies and external amenity spaces that one might wish to enjoy.
- Would also expect to see an enhanced level of soundproofing in excess of part E of the Building Regs for areas where living accommodation is placed below students in the SRA build. Specifically, sources such as kitchens, gymnasiums, common rooms need further consideration as to the level and type of attenuation necessary to protect residents.
- Details of kitchen layout to include flues, extracts, inlets and odour management systems to be employed.
- Details of how open spaces will be managed with specific reference to night time to prevent congregations and people noise. Similarly, designated smoking areas should be clearly defined with an outline as to how these will be managed and enforced as necessary.
- Details of the frequency, location and timings of site servicing for the college, the student accommodation and the residential flats.

Comments made on 3 October 2013

5.155 There is currently insufficient information within the detailed planning application on which to make an informed judgement. There are significant areas still to be addressed.

Noise and Vibration

5.156 Raise a series of questions/points which are summarised below:

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- 5.157 Query whether BS8233 will apply to all residential accommodation on the site?
- 5.158 Noise sensitive receptors, 1 and 2 Pelham Street and 1 and 2 Whitecross should also be included.
- 5.159 Query the monitoring locations of 1 and 1A, why the weather information and noise climate for the monitoring period cannot be commented on and need further information on the maximum L90 levels for positions 1 and 2. In addition there is no account or explanation for the difference in duration of manned monitoring.
- 5.160 It is unclear how the figures presented for the background noise are being arrived at. This needs to be explained in detail. Need confirmation over how the figure for Trafalgar Street been arrived at without any obvious monitoring taking place and why it has been raised to 60dB.
- 5.161 It is unclear why methods and plants for the construction stage are unknown. A number of construction activities could be happening at any one time on the site which would result to higher noise levels than those presented in the table 15.12. Need clarity over how the figures are being used from table 15.12 to derive a worst case scenario. Request to see a plan of A and B with distances of 25 and 50 metres marked. Also question the relevance of the 50 metres comments as the site will not be built/commenced without some form of mitigation measures in place.
- 5.162 When discussing the noise sensitive receptors within 25 metres in para 15.68 the report doesn't mention those identified earlier within para 15.40.
- 5.163 Threshold values with regard to construction noise are discussed within the report and used potentially for impact assessment, yet no further figures or assessment is carried out. There is no apparent discussion over fixed limits for a ten hour working day and a continued assessment against such levels. The original Noise and Vibration Chapter (para 15.67) indicates that daytime limits are unlikely to be exceeded beyond a distance of approximately 25 metres. However there are a number of receptors within 25 metres. Also note the caveat that the limit would likely be exceeded for earthmoving, piling and concreting, which are not insignificant tasks.
- 5.164 When site A (Phase 1) is being development, where will the routes in and out be and who will be impacted. If the consultants are able to estimate an additional 39 HGVs as a result of the demolition phase then this would indicate there must be an operational plan and comprehensive of what will happen when. This would afford more accurate significance planning in line with BS5228.
- 5.165 Need confirmation whether Continuous Flight Augur piling will be used and whether or not site hoarding, acoustic panels, selection of plant (i.e. electric over diesel) and the tendering of most appropriate plant/kit for the job are proposed as mitigation measures.

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- 5.166 Need clarification over what is meant by the octave band noise levels predicted to be on the new College Building in table 15.13.
- 5.167 Whilst appreciate that the college is the applicant, there is clearly a need for business continuity during site A being built. There is little if any assessment of how BB93 or day to day business will be achieved with an immediately adjacent construction site. If windows are not capable of being opened during the operational phase, see little evidence that they will be capable of being opened during construction.
- 5.168 Would expect to see full calculations and façade modelling for the student accommodation building and the college and a commitment to resolving the upgraded thermal glazing and attenuated ventilation devises.
- 5.169 Would expect there to be an assessment of the plant which is needed at this stage and the likely noise levels. Need confirmation over whether a sub-station is proposed. Note a degree of plant on the college building roof at 7/8th storey and whilst screening is suggested, it is difficult to know if such a mitigation technique will be appropriate. Would expect to see a firm idea of the type and number of plant as well as a detailed appreciation of the noise it will create, when and how this will best be mitigated. Understand that a CHP option is being proposed for the college building, I am unclear what power options are proposed for the student accommodation building. This should be clarified and any acoustic impacts subsequently assessed.
- 5.170 Need clarification over what routine control measures are proposed to mitigate the impact of delivery noise.
- 5.171 The report is also silent on adjacent or rather above and below uses. In particular for the student accommodation, in drawing P1240, revision B, note a number of potential noise sources below residential accommodation, without any obvious references to increased or enhanced soundproofing. These include plant rooms, a common room, a kitchen and servery and a gymnasium. Would expect to see arrangements in place to have a specification in excess of the current Part E building regulations to afford the students protection.
- 5.172 The kitchen area is situated next to the Whitecross Buildings on Whitecross Street. Need information on how air will be extracted, when such plant will be in use and an assessment of its impact for local residents. Would expect references to how odour will be controlled.
- 5.173 Need information on where smokers will be permitted to congregate. Has this been considered and if so, where is it likely to be placed and what assessment has taken place?
- 5.174 With regards to the outline consent, has an assessment been made of any external amenity areas for block A (phase 2B-private residential). Balconies are apparent at the ground and fifth floors and this should be assessed. It is also unclear how 2B will be serviced or indeed where refuse storage will be placed.

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- 5.175 On reading the Noise and Vibration Chapter, it is unclear as to how long the process may take. Previous iterations have made the suggestion of a four year build, however, this is not apparent in the most current revision. Some clarity should be provided as to how long the development will take.
- 5.176 I have also read through the site history in terms of noise complaint . Whilst not exhaustive, the following were apparent:
- Music being played in art rooms over the summer months by foreign students causing daily noise;
 - Allegations of noise from carpentry workshops;
 - Noisy generators for which a noise abatement notice was served;
 - Allegations of fans running on the roof all night;
 - Noise from students using the car park late at night and noise from trumpets/saxophones etc.

Student Residential Management Plan

- 5.177 A structured induction process should be considered where it is stated at the outset that noise, disturbance and antisocial behaviour will not be tolerated. This has worked in other locations with residential students and local PCSO's in combination with the anti-social behaviour team have reinforced the message. A good tool for reinforcing such messages is that if offenders are found guilty for noise in a magistrates court, it is a criminal record. Similarly, as part of the sanctions for dealing with noise, the department regularly seize noise making equipment which can often include pc's and laptops. Students are not always entitled to have such materials returned. Another useful method employed elsewhere is the use of guarantors in addressing students behaviour where there have been repeated offences.
- 5.178 Would also expect to see measures of how the City College will manage the public square.
- 5.179 Note that there are repeated references in letters citing Phoenix Halls. Investigations in the past by the department for the site identified that problems had been caused in the main by student bedroom windows and communal room windows being left open and as such the escape of both music noise and people noise. Students gathering and not being ushered in was also cited as an issue. The department have worked hard with the educational facilities to address these points and I am not currently aware of any recent problems.

Potential Ground Contamination

- 5.180 The Ground Contaminations chapter fails to produce source, pathway and receptor relationships in a meaningful conceptual site model. It is unclear who carried out the site walkover or when this was done. It is apparent too that Ashdown Site investigation appear to have examined the car park area in 2008, however there is no obvious site data, contaminant concentrations, lab reports, trial pits or logs. This too is accompanied by a 4 page document from Harwood Savin Limited dated 17th September 2013 which provides responses to the previously raised questions. This should be retained on the public file for reference. The document in combination with the ES Chapter goes onto

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suggest that further site investigation may be achieved through suitably worded conditions and to include the flexibility of a continuing discovery strategy that will afford various degrees including future parts of the build. It is suggested that as each part of the build commences, suitable site investigation may take place.

Comments made on 25 July 2013

5.181 There is currently insufficient information on which to comment.

Noise and Vibration

5.182 Raise a series of questions/points which are summarised below:

5.183 Rationale needs to be provided regarding why a Tuesday-Wednesday period was chosen and why the weather information cannot be provided for the monitoring period. The manned surveys appears to be 12:10 hours to 13:15 hours, not 12-13:30. The variation in times spent and the monitoring intervals at positions A,B and C needs to be explained and clarification is sought regarding why the noise climate cannot be commented on. Would an attended lunch time survey of 45 minutes have missed vital rush hour impacts, especially traffic related?

5.184 How was the Pelham Street and White Cross position calculated as 65 dB? How was Trafalgar street been calculated without any obvious monitoring positions? Have York Place and Theobald House been included as noise receptors.

5.185 Clarification over whether vibration was measured at site.

5.186 Noisy working hours should only be 08:00 hours to 18:00 hours Monday to Friday and 09:00 to 13:00 hours Saturdays. Night time working will not be permitted.

5.187 Clarification over how the threshold values have been calculated. These change from 67-70, 65-65 and 60-65. This needs to be explained.

5.188 Note that it is stated that at this time, the demolition process is unknown, as is where and what plant might be situated and how long this might run for. In the absence of this, the consultants have added a schedule of potential upper activity noise levels, which whilst depicting what plant makes what noise, it is not an accurate assessment of significance and does not take into account cumulative working operations.

5.189 Further information is sought over on site noise and vibration monitoring. As a four year build, would expect to see a greater level of commitment to how this will be tackled and with a potential move towards automated site monitoring.

5.190 Predictions are made to determine what level of glazing and/or ventilation might be necessary to afford both the college and residential community the commensurate level of acoustic protection. Effectively, it is being suggested that upgraded thermal double glazing is needed, as is a means of ventilating the various properties/rooms and the suggestion made that further works and

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surveying is necessary. Prior to any further works happening, the consultants need to verify the predicted levels as above to ensure that these are representative.

- 5.191 It is suggested that external plant is not known at this early stage and as such can not be factored into the workings. Would expect to see an idea of exactly what is located and where.
- 5.192 Note that servicing is referenced as all being via Whitecross street. I would expect to see some comprehension at this late stage as to what type and level of servicing is needed and from this, an accurate gauge of what impact it is likely to have.
- 5.193 Concerns raised regarding noise insulations and potential break out internally with mixed use proposals.

Potentially contaminated land

- 5.194 Raise a series of questions/points which are summarised below
- 5.195 Need to consider if there any specific contaminated land issues present for the retained Gloucester building as a crèche?
- 5.196 Need confirmation over whether or not ground source heat pumps are proposed.
- 5.197 The Chapter needs to consider whether historic coal storage areas, air raid tunnels which, petroleum tanks, asbestos, radon or other radioactive substances, gas risk contamination hot spots and perched water need to be assessed in more detail.
- 5.198 A discovery strategy is mentioned briefly in the text, but should be a more prominent feature of the document.
- 5.199 Need confirmation regarding whether or not any intrusive site investigation been carried out.
- 5.200 Specific depths have been suggested for planting and further information needs to provided regarding how these were calculated and if they were guided by any site investigation and contaminant levels.

Lighting

- 5.201 It would appear that a site survey has been carried out in January 2013, and light levels and calculations undertaken. The chapter has assessed lighting with regards to both the construction and operational phase and correctly acknowledges that light can and is dealt with as a statutory light nuisance if complaints are made to the Council's Environmental Health Department. The document has identified that there are sensitive receptors at Theobald House, the rear of properties at Trafalgar Street and York Place and newly introduced residents themselves, yet these do not appear to be discussed any further as to how they will be protected.

5.202 Heritage:

Comments made on 3 October 2013

- 5.203 It is noted that the retained Gloucester Building has now been included in the site location plan and this is welcomed, though the lack of firm proposals for its refurbishment and reuse remains disappointing. It is noted that the York Place archway is not within the College's ownership but that they retain a right of way through it. As well as the retention of the arch itself, the existing cast iron railings and dwarf brick wall in the passageway should also be retained and this should be shown on the landscaping masterplan.
- 5.204 Additional details have been submitted showing the proposed timber and planted screening to the southern side of the new College square and this is considered to be acceptable.
- 5.205 The revised proposals have not addressed original concerns in respect of Phase 2b. The case for an additional public square in this location is still not convincing. This part of the scheme does not have sufficient sense of enclosure and in urban design terms this area would work better, both visually and functionally, if the mews-style flats on the west side were extended to match those on the eastern side. It is still considered that it would have been preferable for block C to have been mews houses rather than flats but this could be partly addressed if the elevations are appropriately broken down vertically to resemble individual houses. The indicative elevations now submitted go some way towards addressing this concern but this would require further design work at the reserved matters stage. It is noted that the indicative elevations to the residential blocks facing Pelham Street have changed and there is a danger that these may appear too repetitive and monotonous and this will require further consideration at the reserved matters stage.
- 5.206 Since the previous comments details of the hard and soft landscaping for the site have been submitted. The approach to this is broadly welcomed and the proposed materials are considered to be of suitable high quality. However, it is considered that there would be too many different paving materials, giving Pelham Street and the public spaces and unduly cluttered feel. A simpler palette of materials, as can be seen in New Road, would work better.

Comments made on 19 July 2013

- 5.207 The demolition and redevelopment of the existing Pelham Tower and the development of the adjacent car park site are very welcome and would have substantial benefits for the setting of the adjoining conservation areas (North Laine and Valley Gardens) and for the settings of a number of listed buildings in the vicinity. Views of St Bartholomew's Church and St Peter's Church would be enhanced and views to and from both conservation areas would also be enhanced. The development scheme as a whole would also bring substantial public realm benefits, particularly the environmental improvements and shared space scheme for Pelham Street itself and the creation of a new east-west pedestrian link via the York Place archway. The scale, massing and layout of the new buildings is considered to be appropriate and the design of the College

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and student housing buildings would be of acceptable design quality and would sit acceptably in the mixed context of the site between the small scale urban grain of North Laine and large scale modern development of the New England Quarter. These public benefits are considered to justify the loss of the historic York and Trafalgar school buildings, given their relatively low significance.

- 5.208 However there are a number of outstanding concerns about the proposals that were raised at pre-application stage but which have yet to be satisfactorily resolved. These are the uncertain future of the historic Gloucester Building (which has not been included in the site boundary); the unaddressed need for repairs to the York Place archway and the need to retain the original railings; the adequacy of the proposed screening of the rear of Trafalgar Street properties from within the new College square; the appropriateness of the new public square east of Pelham Street; and whether the phase 2b residential development has made full and efficient use of the southern part of the site accessed from Trafalgar Court. It is considered that these matters should be addressed further before a recommendation can be made.
- 5.209 The City College site comprises the existing 1960s Pelham Tower and surface car park south of it, together with the older college buildings to the west of Pelham Street. Most notable amongst these are the York Building and Trafalgar Building. These were established on the site following the Education Act of 1870, with Trafalgar being the first. They were designed by Thomas Simpson & Son, who designed all of the Brighton Board Schools of this period in a common late-Victorian Free Style, with steep slate roof, ornate gable and elevations in brown and red brick. A number of such schools in Brighton are listed. The Trafalgar Building, however, underwent major alteration in the 20th century, when its steep, ornate gables were lost and a further wing added. It nevertheless has some townscape and historic interest. The York Building has been subject to various incremental additions and is now completely landlocked. It has some architectural and historic interest but little or no townscape value. Both buildings are considered to be undesignated heritage assets.
- 5.210 The site lies between the historic urban grain of two conservation areas to the south and east and the large scale redevelopment of the New England Quarter to the north and west. Immediately to the south is the North Laine conservation area and immediately to the east the Valley Gardens conservation area. Development of the site would impact upon the setting of both areas. North Laine is a mixed-use, small scale area with a tight urban grain, its regular street pattern corresponding to the sub-division of the former arable fields, known as laines, on which it was developed. It retains much of its 19th century development, generally two and three storeys, and has a lively urban character. Valley Gardens conservation consists of generally larger, grander development from the late 18th to late 19th centuries fronting onto the public gardens that run in a linear fashion from the Old Steine to The Level. One small part of the site is within the Valley Gardens conservation area; this is the red brick arch and associated railings on York Place, which originally gave access to the schools. The existing Pelham Tower harms the setting of both conservation areas and the surface car park harms the setting of the North Laine conservation area.

- 5.211 A number of listed buildings lie in the vicinity of the site. Most notable in this respect are the grade I listed St Bartholomew's Church, which closes the view north along Pelham Street with its very tall gabled nave and rose window, and the grade II* listed St Peter's Church to the east, the Gothic pinnacled tower of which can be seen from Whitecross Street across the car park. The plinth to the tower block intrudes upon the view of St Bartholomew's looking north along Pelham Street and the tower block harms the setting of St Peter's Church in long views from the east. Close to the site are the listed buildings of Pelham Square and 97 Trafalgar Street (which occupies the corner of Pelham Street). To the east the settings of the listed terraces of St George's Place and St Peter's Place are currently compromised by the slab-like massing of the Pelham Tower.
- 5.212 Within the City College ownership but immediately outside the proposed site boundary is the Gloucester Building in Trafalgar Court, which lies within the North Laine conservation area. This building was part of the Pelham Street Schools, being an addition of c1908 to the earlier York and Trafalgar Buildings, and believed to have formed classrooms for the infants school. It is of similar style, though it has not been attributed to the Simpsons, and survives intact. It contributes positively to the appearance and mixed-use character of North Laine but is currently vacant.

The Proposal and Potential Impacts

- 5.213 This application has been subject to lengthy and positive pre-application discussions and the proposals have evolved positively as a result of those discussions. The application must be considered in the light of the previous application for this site which the council was Minded to Grant.
- 5.214 This application is a hybrid application. Phases 1 and 2a involve mid-rise to tall buildings as defined in SPGBH15. The precise boundaries of the tall building areas have not yet been defined (this will be done via the proposed Urban Design Framework SPD). It cannot therefore be stated at this stage that the site lies within a tall building area but it lies at the south eastern extremity of the Brighton Station/New England tall building area as described in SPGBH15 and City Plan policy CP12. The site contains the 11 storey Pelham Tower and immediately to the west is the 20 storey Theobald House (a 'very tall' building). It is therefore reasonable to conclude that there is potential for tall buildings (over six storeys) on the land between Pelham Street and Whitecross Street. The application proposes an 8 storey (plus screened plant) college building on the car park site and a student housing block of between 7 and 9 storeys above street level. Due to the different floor to ceiling heights of college and residential uses, the two buildings are of similar height where they are immediately adjacent but both buildings reflect the topography of the site by stepping down from west to east and, in the case of the student housing building also from south to north. The phase 2b residential buildings to the west of Pelham Street would be no higher than six storeys and would not constitute tall buildings.
- 5.215 The height and massing of the tall buildings has been carefully considered in relation to the existing tall building on the site, the immediate context of the site

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and the wider context including the various designated heritage assets and the need to consider impacts on long views. The site forms a transitional area between the small scale, tight-knit urban grain of the two conservation areas and the large scale contemporary development of the New England Quarter. The demolition of the Pelham Tower would provide a substantial benefit to the setting of all of the designated heritage assets and would enhance all of the identified key views. Development on the unattractive surface car park would also benefit the character and appearance of North Laine. A view of the upper part of the tower of St Peter's Church would be lost from Whitecross Street but this is not a planned or key view.

- 5.216 Key views of the site, particularly in relation to the settings of the conservation areas and the settings of the listed buildings, were identified at the pre-application stage and the existing, previously Minded to Grant and proposed views are all shown in the EIA. These demonstrate that in each case where the development would be visible the view would be enhanced by the proposed development and moreover that this application would overall be less visible in longer views, and more sympathetic in its massing, than the previous Minded to Grant scheme. In assessing the appropriate height for the phase 2b residential buildings it was considered that 18m (or 6 storeys) was the maximum height that this part of the site could accommodate without harming the historic Valley Gardens roofline in view from the east, south east and north east.
- 5.217 The height and massing of the buildings is therefore considered to be acceptable. The loss of the York and Trafalgar Buildings, as undesignated heritage assets, is considered to be acceptable give the wider public benefits of the scheme and in particular the substantial benefits to the settings of the various designated heritage assets.
- 5.218 The proposed layout reflects and reinforces the original street pattern and the opening up of a new east-west route from Pelham Street to York Place via the historic archway is a substantial benefit in urban design and terms, particularly as it would be linked to the new north-south route via Trafalgar Court, which is currently an uninviting cul de sac dominated visually by the blank end elevations of additions to the York Building. This network of pedestrian routes provides increased permeability via clearly legible routes and better access to public transport and London Road. It would also enhance, and better reveal the significance of, the York Place arch and the Gloucester Building, in accordance with paragraph 137 of the NPPF. The new route via the York Place archway should retain and refurbish the existing historic iron railings that are associated with the archway and the plans should be amended to reflect this. The proposed street improvements to Pelham Street, to provide a shared space environment, is very welcome and would provide an attractive link in the north-south pedestrian route between North Laine and London Road and the New England Quarter. Detailing and materials will be crucial to its success.
- 5.219 However, it is of significant concern that the Gloucester Building has not been included within the site boundary. This is an attractive historic building which contributes positively to the appearance and character of the North Laine conservation area and would, if the other College buildings are demolished, be

the only remaining part of the former Pelham Street Schools. The Planning Statement and Design and Access Statement refer to it being converted to a crèche for the College so it is unclear why this building is not included within the site boundary and why it does not form part of the Phase 1 proposals. Paragraph 131 of the NPPF states that “in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation”. It is therefore very disappointing that there are no firm proposals to re-use and restore this building and it is not currently possible to be confident about the future of this building. It is also unclear whether the repair of the York Place archway would form part of the scheme; it will certainly need some repairs.

Phase 1 – College Building

- 5.220 The design of the College building is considered to be of acceptable quality and of a distinctiveness that is appropriate to its function and status as an educational and community building. It has an appropriate relationship of solid to void and its proportions achieve an appropriate balance of vertical and horizontal. The south-facing elevation, with its central glazed section rising full height, would provide an interesting and lively entry frontage and would give the building a local landmark quality in views from North Laine. The ground floor uses and glazed elevations would provide an appropriate degree of street level interest. The overall palette and mix of materials appears suitable but samples will be needed and the choice of colour, texture and jointing of the brick slip cladding will be especially crucial.
- 5.221 The short remaining length of Redcross Street would be repaved and landscaped to form the principle entry point from Trafalgar Street and this is very welcome, subject to detail. This phase includes a new public square to the south of the building. At pre-application stage concerns were raised about whether this is an appropriate location for a public square, given that its south side would be faced by the somewhat unattractive and incoherent rear elevations and extensions of the Trafalgar Street properties. The response to these concerns has been to propose screening in the form of a line of birch tree planting along the southern edge of the square with predominantly evergreen cover planting at low level. South of the planting would be “vertical element screen fencing” set on a plinth. This is shown in broad terms on the masterplan and described in the Design and Access Statement. However, given the fundamental importance of this issue it is considered that greater detail should be provided at the application stage. This should include a plan and a section drawing of the screening, both at no smaller than 1:50 scale.

Phase 2a – Student Residential Building

- 5.222 The proposed student housing building is considered to have an acceptable relationship with the College building, providing a continuity of fenestration and roof treatment along Pelham Street and Whitecross Street but with an appropriately simplified design and subtly differentiated cladding material. The simplicity of the elevations and materials could have been bland but the elevations are successfully broken up vertically by elements of tall narrow glazing that is partially recessed, whilst the Cheapside corners are enlivened by

projecting bays. The Pelham Street and Cheapside elevations would have suitable ground floor interest.

Phase 2b – Residential Development

- 5.223 The scale and footprint of the proposed residential buildings is considered to be acceptable and the indicative elevations show an appropriate breaking down of the elevations to vertical elements with balconies to provide depth and shadow. It would have been preferable for block C to have been mews houses rather than flats and it would be useful to have an indicative elevation of these units to provide reassurance that the internal layout would allow the elevations to be broken down vertically to resemble individual houses.
- 5.224 The case for an additional public square in this location is not convincing. This part of the scheme does not have sufficient sense of enclosure and in urban design terms this area would work better, both visually and functionally, if the mews-style flats on the west side were extended to match those on the eastern side. Such an approach would also make fuller and more efficient use of this central, brownfield site in accordance with policy CP14 of the City Plan Part 1 and policy QD3 of the Local Plan.

Housing:

Comments made on 21 November 2013

- 5.225 Housing Strategy is committed to maximising the provision of affordable housing in the City. We therefore welcome this scheme as it will assist us to achieve our aims of achieving mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need. We note that the developer is offering 20% of the units for affordable housing which equates to 25 units. Our preference would be that we achieve our 40% affordable housing in line with our housing brief. This equates to 50 units. I understand we have received the final report from the DV who agrees with the Viability Report and is in agreement with the development costs values and residual land value calculations.
- 5.226 Would expect that 2 of these units (10%) should be built to fully wheelchair accessible standards in line with our affordable housing brief
- 5.227 These units should be owned and managed by one of our Registered Providers of affordable housing
- 5.228 Our affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 17,000 people on the joint housing register waiting for affordable rented housing and 794 people waiting for low cost home ownership

Comments made on 25 June 2013

- 5.229 In line with Policy HO2 of the Local Plan and our affordable housing brief this scheme should provide 40% affordable housing on this site which equates to 50 units. Would expect 10% (5) of the affordable housing units to be built to fully wheelchair accessible standards in line with The Council's Affordable Housing Brief.

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- 5.230 Tenure Mix: The tenure mix of the affordable housing units will be agreed through negotiation on a site by site basis and a phase by phase basis informed by housing needs assessment and site/ neighbourhood characteristics. Generally across the city the required tenure split for affordable housing will be 55% affordable rented and 45% shared ownership housing. The affordable homes should be owned and managed by one of our Registered Providers who have signed up to Brighton & Hove Council's Housing Strategy
- 5.231 Unit Size and Type: For the city as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is:
- 30% one bedroom units
 - 45% two bedroom units
 - 25% three + bedroom units
- 5.232 Although the Strategic Housing Market Assessment April 2008 shows that the greatest need (numerically) is for smaller, one and two bedroom properties there is significant pressure on larger, family sized homes. We note that this application makes provision for studios and one and two bed units. We would not require studio units for affordable housing. A Local Lettings Plan will be drawn up with the Registered Provider and the City Council and some of the units will be targeted at people downsizing from larger family homes.
- 5.233 Nominations: When the development is completed the City Council will be able to nominate people from the housing register for 100% of the affordable rented housing units on initial lets with 75% on subsequent lets.
- 5.234 Design & Quality Standards: The Council will expect high standards of design, layout and landscaping for all developments which reflect the character of the area and reflect local distinctiveness. All new schemes within the Homes & Communities National Affordable Housing Programme must be built to meet or exceed the current Design & Quality Standards (April 2007)
- 5.235 Amenity Space: We note that there is shared amenity space in the form of a amenity square semi private shared gardens and private balconies.
- 5.236 Sustainability: We understand the homes will be built to meet Code Level 3 for Sustainable Homes rating.
- 5.237 Homes for people with Disabilities: as previously mentioned 10% of the affordable homes be built to wheelchair accessible standards. We currently have 331 people waiting for wheelchair accessible housing, many of these disabled people are currently living in unsuitable homes that prevent them living independent and dignified lives.
- 5.238 **Planning Policy:** The proposal is acceptable in planning policy terms subject to the following:
- Justification for and securing the amount of affordable housing; and

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- The applicant demonstrating, through the Management Plan, how the potential for harmful impacts on residential amenity, resulting from an increased provision of student accommodation than that stated in City Plan Policy DA4, will be minimised.
- 5.239 The aim of the proposal, to improve the educational facilities, routes through and around the site for pedestrians, and the creation of new open spaces, is welcomed. It is recognised the college contributes not only to the educational offer but also to the social, cultural and economic success of the city and wider region.
- 5.240 The proposal involves a net loss of 18,112m² of D1 teaching floorspace. However evidence submitted by the applicant satisfactorily demonstrates that the redevelopment allows for a more efficient use of floorspace and that there will be sufficient floorspace for the current number of students and further planned increases.
- 5.241 In terms of the level of student housing, the level of provision is significantly higher than the allocation in City Plan Policy DA4. The increased provision of student housing is not, in principle, contrary to the allocation in Policy DA4 nor Policy CP21 (which anticipates additional provision through a criteria based assessment of Part 2 of the City Plan). Nevertheless the applicant will need to assure the Council that the provisions in CP21 relating to managing the impact of disturbance in the neighbouring residential area can be fully addressed. The applicant has provided a strategic paper to justify why this level of provision is necessary. Nevertheless an appropriate management plan demonstrating how the effect on residential amenity will be mitigated is required.
- 5.242 It is important that a robust justification and independently assessed viability study for the relatively low level provision of affordable housing in the residential element of Phase 2 of the scheme is provided to justify the exceptional circumstances.

New England Quarter and London Road Development Area

- 5.243 The site is located within the Policy DA4 Development Area identified in the submission City Plan. The scheme is considered to be consistent with the strategy for this Development Area in a number of ways:
- Supports Local Priority 4 through improvements to further education facilities;
 - Provision of new student housing accommodation;
 - The provision of new public squares, improvements to the public realm and improvements in pedestrian connectivity (such as reopening the link to York Place) are in accordance with Local Priority 6.
- 5.244 The London Road Central Masterplan Area (SPD no. 10) identifies the site for a “new Further Education “Knowledge Quarter” involving demolition of majority of existing college buildings and replacement with new college facilities and additional mixed uses”. The proposed scheme is therefore in conformity with this vision. Furthermore, the scheme would also contribute towards achieving

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the broader aims of the SPD such as improving the public realm and pedestrian connectivity.

Educational Needs

- 5.245 The scheme would result in a significant loss of educational floorspace, classified as a community facility under Local Plan Policy HO20, as detailed in the 'context' above. Policy HO20 allows for the loss of a community facility where the use is replaced within a new development, and seeks to ensure 'new' facilities remain available on similar terms and that they are equal to, or better than, the existing facilities.
- 5.246 Paragraph 2.42 of the Planning Statement submitted to support the application indicates that the current level of Guided Learning Hours provided by the college would only require in the region of 18,000m² of new build accommodation due to the layout improvements and more efficient use of space which would result from a modern facility. This compares to the total current level of 34,000m² in the existing older buildings across the college's three sites in the city. The development strategy of the college is to provide a total of 20,256m² floorspace comprised of 12,056m² at the Pelham Street site through the scheme under consideration and 8,200m² through refurbishment of the existing floorspace at the Wilson Avenue site. This level of floorspace can accommodate the existing level of Guided Learning Hours and some level of increase derived from a future increase in student number.
- 5.247 The supporting Planning Statement indicates that student numbers (comprised of 16-18 year old learners and apprentices, and adult apprentices) will increase by 971 by 2021/22, as well as a 25% increase in HE, international and full-cost training. Although the proposed scheme provides some spare capacity for the planned future increase in student numbers, it has not been clearly set out how much additional floorspace would be required to provided the extra Guided Learning Hours needed to support this level of increase. Further assurance that there is flexibility to allow for any further future expansion (in appropriate locations) would be welcome - in compliance with Policy HO20.
- 5.248 Policy HO20 also sets out preferences for alternative uses where it has been demonstrated the site (or part thereof) is not needed for the current or alternative community uses. It is felt the proposed uses either accord with these preferences or can be justified e.g. student accommodation compliments the college.

Student Accommodation

- 5.249 There is currently no policy to address the provision of student housing within the adopted Local Plan 2005. It is important therefore to consider the proposal against Policy CP21 of the submitted City Plan, Part 1. The provision of student accommodation on this site is supported by Policy CP21 which allocates the site for purpose built student accommodation with 300 bedspaces as part of a wider mixed use scheme. The increased provision of student housing in the proposed scheme (442 bedspaces) is not, in principle, contrary to the allocation in Policy DA4 nor Policy CP21 (which anticipates additional provision through a criteria based assessment of Part 2 of the City Plan). Nevertheless the applicant

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will need to provide assurance that the provisions in CP21 relating the impact upon residential amenity in the surrounding area can be fully addressed. The site is situated close to a large permitted scheme for student housing at the former Co-op building which will provide 351 student bedspaces, as well as a further scheme at the former Buxtons site which will provide 86 student rooms. The potential concentration of student accommodation in this area is a consideration. The Student Residential Management Plan submitted to support the application should clearly demonstrate how the potential for harmful impacts on residential amenity resulting from the increased provision will be minimised.

- 5.250 It is noted that the student housing now has the support of the University of Sussex, in compliance with criteria A6 of Policy CP21.

Residential Development

- 5.251 The provision of up to 125 residential units, consisting of a mix of one and two bed units, as part of Phase 2 is supported by City Plan Policy CP1, and will make a welcome contribution towards the achieving the City's housing target. This is significantly more than the 60 units allocated to this site in the 2012 SHLAA Update. The mix of dwelling sizes should be considered using the most recent assessment of the city's housing needs in order to comply with Policy HO3.

- 5.252 No indication of the mix of private and affordable units has been provided at this stage. The Local Plan policy relating to affordable housing provision on 'windfall sites' has more weight than the City Plan policy on affordable housing (CP20), therefore the requirements of Policy HO2 would normally be applied to secure 40% affordable housing provision subject to the tests set out in the policy. Nevertheless it is acknowledged that essentially this scheme is being funded by an enabling development. The overall priority for this site is to provide a modern academic campus for City College and both the housing provision and student housing provision on the site are contributing financially to this overriding aim. As affordable housing would normally itself be subsidised from the values generated from development (which are in this case contributing to the provision of academic buildings) it is reasonable that a reduced contribution might, in principle, be justified subject to confirmation of viability appraisal by an independent party.

- 5.253 Private amenity space should also be provided in the residential development in accordance with Policy HO5. Contributions towards the provision of outdoor recreation space should be sought in order to comply with Policy HO6 once a full application for the development of the residential accommodation is received.

Open Space

- 5.254 The extent of housing, both student and residential units raises a concern especially in view of the significant shortfall in on-site sport and recreation provision. The 'college plaza' is welcomed and accords with policies QD20 and QD19.

Waste Management

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- 5.255 A large quantity of demolition waste will arise through the demolition of Pelham Tower and the Trafalgar, York and Cheapside Buildings. The information provided by the applicant within Chapter 18 of the supporting Environmental Statement adequately demonstrates how it proposed to minimise the waste arising, and manage the waste that does arise as far up the waste hierarchy as practicable, in line with Policy WMP3d of the Waste and Minerals Plan.
- 5.256 The Environmental Statement indicates that facilities will be provided to enable 67% of municipal waste generated by the completed development to be recycled. Provision of infrastructure to achieve this level of recycling will be in compliance with Policy WMP3e.
- 5.257 **Planning Projects:** Recommend that public art to the value of £130k is provided in line with policy QD6 of the Brighton & Hove Local Plan.
- 5.258 **Private Sector Housing:** No comments to make under the Housing Act.
- 5.259 **Sustainability:**
Comments made on 25 November 2013
Student residential development
- 5.260 Positive aspects of the SRA proposals include:
- BREEAM Multi Residential 'excellent' and 60% in energy and water sections;
 - Combined Heat and Power plant (Gas based CHP) as lead boiler with gas boiler back up;
 - 9.8kWp of photovoltaic panels (70m²);
 - Target: targeted 25% CO₂ reduction against Part L Building Regulations;
 - Enhanced U-values and airtightness, efficient lighting;
 - Target water usage 4.4m³ per person/day;
 - Water efficiency;
 - Proposed Energy Management Strategy for in use energy to maximise performance.
- 5.261 Total emissions for the SRA scheme are estimated to be 551tonnes CO₂/yr after savings from energy efficiency and renewables have been applied.
- 5.262 A BREEAM Multi Residential Pre-Assessment report has been submitted on BREEAM 2011 version which details how an 'excellent' score can be achieved. This version is up to date with current national standards. Whilst there is commitment in the document to achieving a 60% score in water and energy sections but references to whether this will be achieved are contradictory on pages 4 and 5 and in the tables provided. Currently the energy section appears in the Table, page 4 to be on track to score 55% at most (if 'definite', 'possible' and 'difficult' scores are added up this scores 16/29 or 55%). The water section appears in the table to score a potential 78%. Whilst the energy score falls slightly below the targeted credits, a 60% target should be maintained in the condition. A commitment is made to achieve SPD08 standards within the executive summary page 4, within the D&A Statement at page 29, and elsewhere in the Sustainability Statement. It is recommended therefore that in

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the event of approval the expected standard be conditioned as usual including 60% in energy and water sections of BREEAM.

- 5.263 The Energy Strategy acknowledges that currently no heat networks are in place in the local area; and that the buildings will be owned and operated by separate organisations. For this reason the buildings will not be linked up under a site wide district heating system. Whilst this is not feasible at this stage, it is recommended provision be included for future connection in order that *opportunities for future connection* could be followed in the event of favourable conditions in future.
- 5.264 Incoming local policy identifies this area having excellent potential for District Heat networks. The Submission City Plan Policy DA4 – ‘New England Quarter and London Road’ states that local priority 11 (page 57): *‘Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability’*
- 5.265 Similarly SPD10 - London Road Central Masterplan also encourages District heating solutions.
- 5.266 Whilst a scheme wide heat network solution has been ruled out at this stage, it is recommended that as a minimum, any centralised energy plant installed into the proposed buildings within the scheme should have provision for future connection to any future decentralised heat network.
- 5.267 Letter written 17 September 2013 from agent Harwood Savin:

District Heating System

In respect of the SRA, Hilson Moran have confirmed that the ability to allow a connection to a future District Heating System (DHS) is relatively straightforward and involves leaving valved connections from the main header pipes to allow pipes to be run from the plant room along a defined route to the street to allow connection to the DHS. Space for plate heat exchangers (PHEs) are normally required to allow hydraulic separation of the systems. In this case we have been advised that it would be reasonable to say that the PHX's will be located where the CHP is sited, as the CHP would be redundant if the building was connected to a DHS.

- 5.268 This approach has now been agreed in a letter from consultants Hilson Moran for the SRA, but Ramboll for City College imply that the development will not have capacity to supply energy to other buildings. However, if a future District Heating system is implemented in the area, this could potentially supply heat to the College building. Therefore it is recommended that a condition be applied that provision for future connection be secured for all buildings: SRA, College and potentially residential also.
- 5.269 If a District wide scheme is developed in future, connection may offer economic and carbon benefits which the owner may wish to take advantage of and which would deliver area wide benefits.

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- 5.270 To demonstrate that the plant has provision to connect, details of the energy centre, potential for expanding plant within this; and capped connections; and proximity to potential future network routes; or access points should be conditioned.
- 5.271 Renewable technology in the form of Photovoltaic array PV for electricity generation is proposed for the highest roof terrace of the tenth floor. An area of 70m² of active PV is recommended, which is expected to generate 7megaWh/yr, reducing emissions by 3.7tonnesCO₂/yr. Other roofs could provide capacity for further solar technologies, and ideally should be designed to be ready for future retrofit in the event this opportunity can be implemented in future.
- 5.272 The proposed energy strategy has addressed relevant aspects SU2 by including energy efficient design and renewables.

College development

- 5.273 Positive aspects of the college proposals include:
- Target: targeted 20% CO₂ reduction against Part L Building Regulations;
 - Gas boiler for heating;
 - Renewable technologies to be installed: solar hot water 50m², photovoltaic panels/glazing to produce circa 100MWhrs/yr and air source heat pumps to provide cooling when required;
 - Solar hot water technology to provide hot water for site wide HW demand including the beauty salon, toilets, showers and kitchens. Estimated to save 33% energy use associated with hot water demand. Glazed atrium roof incorporating integrated photovoltaics glazing;
 - Passive design measures: maximisation of natural lighting, solar shading (louvers);
 - Water efficiency: Low flow taps/showerheads, target water usage 105 litres/person/day;
 - Rainwater harvesting to be considered for WC flushing (greywater recycling ruled out).
- 5.274 The BREEAM Pre-assessment report submitted shows a pathway to achieve BREEAM 'excellent' and to achieve over 60% in energy and water sections. There is a commitment in the Design and Access statement to meet these standards.
- 5.275 However, the version the pre-assessment has been developed on is an older 2008 version. However, the assessment is carried out on a 2008 Version of BREEAM Education. This has not been update to reflect more stringent standards introduced after Part L Revision in 2010. Therefore if this assessment was undertaken on a more recent version, such as 2011, it would achieve a 'very good' score only, which would be below the standard expected for a major development. This is confirmed in the *Ramboll City College BREEAM Pre-Assessment Report, Appendix B* in Design Team emails, noting that a BREEAM 2008 score of 73.84 'excellent' would achieve 60.6% 'Very good' rating in BREEAM 2011. The use of a current version of BREEAM is inherent in

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the policy standards of both SU2 and SPD08. The 2008 version of BREEAM represents values prior to Part L enhancement 2010, and therefore is not a robust current standard. The certifying body BRE may have allowed assessment under this version because the development is likely to have been registered under the previous scheme. If registered anew with BRE it is unlikely this would be permitted.

5.276 It is disappointing that an older version of BREEAM has been used. Consultants Ramboll refer to financial viability as justification for this.

Residential Development

5.277 Positive aspects of the residential outline application proposals include:

- Commitment to achieve Code for Sustainable Homes Level 4.

5.278 As this is an outline planning application, it is recommended that the roof design is developed to be capable of accommodating the maximum quantity of solar technologies across the residential scheme, and that the orientation, form and design be developed to maximise passive solar design and climate proofing to deliver the energy performance expected in the Local Plan and submitted City Plan.

Site wide

5.279 Positive aspects of the site wide proposals include:

- Drought resistant planting;
- Tree planting in raised planters with under planting;
- Sustainable materials: all timber products for construction and temporary site timber to be responsibly sourced; peat & natural limestone will not be specified; all materials and insulation products to have a low global warming potential (<5);
- Sustainable waste management: site waste management plan to be developed; target to minimise waste created and divert from landfill 80% of construction waste;
- Considerate Constructors Scheme to be adopted (with score of 35 minimum);
- Operate an ISO14001 Environmental Management System throughout construction process.

5.280 It is disappointing that the landscaping approach has not included food growing or fruit trees following good practice that has been proposed on other academic and mixed use development, as encouraged by Planning Advice Note 06 Food Growing and Development.

Comments made on 20 August 2013

5.281 The application addresses some but not all sustainability policy as set out in Local Plan SU2/16, SPD08. Currently one of the key standards expected through SPD08 is not fully addressed, this refers to the BREEAM standard for the College building. The proposals include many positive features including low carbon design and incorporation of renewable technologies.

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- 5.282 The Design and Access Statement commits to all 3 construction elements achieving the standards set out in SPD08 for major development: college, residential halls and housing. These standards are: for the non-residential elements to achieve BREEAM 'excellent' with a score of 60% in energy and water sections; and for residential elements to achieve Code for Sustainable Homes (CfSH) Level 4.
- 5.283 The College residence is proposed to be assessed under BREEAM Multi Residential (version 2011), and the college building under BREEAM Education (version 2008).
- 5.284 The use of an older, 2008 version of BREEAM for the College Building reflects a standard prior to updates in national building regulation. An 'excellent' score under 2008 would represent an estimated 'very good' score in a current version of BREEAM. This would not meet the SPD08 standard which sets out an 'excellent' standard as the recommended minimum for major development. The use of a current version of BREEAM is inherent in the policy standards of both SU2 and SPD08. The 2008 version of BREEAM represents values prior to Part L enhancement 2010, and therefore is not a robust current standard.
- 5.285 If a recent version of BREEAM Education to assess the college development was used, it is estimated that a 'Very Good' score only would be achieved. Whilst BREEAM 'very good' is still a challenging score that reflects good sustainability practice, it would fall below standards expected under SPD08. It is disappointing that BREEAM 2008 has been used and there is no explanation or justification for this lower standard.
- 5.286 The applicant should be encouraged to adopt a more up to date version of BREEAM. If expected standards cannot be met on site, then justification should be provided for this.
- 5.287 Positive aspects of the SRA scheme include: BREEAM Multi Residential 'excellent' with 60% score in energy and water; central, efficient gas combined heat and power plant; renewable electricity generation via a 9.8kWp photovoltaic array (70m²); targeted 25% CO₂ reduction against Part L Building Regs; enhanced fabric performance; efficient lighting; water use minimisation; use of sustainable materials; sustainable waste construction.
- 5.288 Positive aspects of the College scheme include: a targeted 20% CO₂ reduction against Part L Building Regs; efficient centralised gas boilers for space and water heating; installation of renewables including photovoltaic panels and glazing integrated photovoltaics to produce 100MWhrs/yr, solar hot water 50m² array, and air source heat pumps for cooling where required; water efficiency measures; feasibility study to be undertake for rainwater harvesting for WC flushing:
- 5.289 Positive aspects of the residential development; a commitment to achieve Code level 4 is proposed at this stage.

5.290 **Sustainable Transport:**

Comments made on 22 October 2013

5.291 No objections to the application subject to the inclusion of the necessary conditions and contributions secured via a S106 agreement.

Cycle Parking

5.292 The minimum cycle parking standards for each element of the development are:

Student residential – 147 spaces minimum:

College – 51 spaces minimum:

Residential – 125 spaces for residents & 42 spaces for visitors.

5.293 The applicant previously proposed 42 cycle parking spaces for the college with 8 additional spaces to the south of the development within the public realm. The applicant is now proposing 48 cycle parking spaces between the SRA and college building and 8 spaces within the public realm. This now meets the minimum standards in SPG04. The proposed shelter and spacing of the stands are also deemed acceptable.

5.294 While for the student accommodation the applicant is proposing 80 Sheffield stands (160 spaces) within the SRA building. As previously stated while this meets the minimum standards in SPG04 the Highway Authority would have liked to have seen more cycle parking, given that students could be deemed more likely to cycle than other members of society.

5.295 For the residential and crèche elements of the development the applicant has now provided further details in relation to the proposed cycle parking arrangements. For the residential block A the applicant is proposing cycle stores at lower ground floor level (Drawing number P1290) accessed from the car park. There appear to be 48 Sheffield stands proposed (96 cycle parking spaces). When scaling from the Proposed Trafalgar Court Elevations (Drawing number P1288) the cycle store access appears only to be 1m in height. The applicant could be proposing something similar to 'cyclepods'. Further details should be secured by condition.

5.296 While for block B the applicant states that they intend to provide cycle parking within the undercroft and for block C vertical cycle storage would be provided in communal hallways.

5.297 Indicative floor plans suggest that there are 101 units proposed in block A, 10 units in block B and 12 units in block C.

5.298 Therefore the applicant must provide the following minimum cycle parking spaces for each block:

- Block A – 101 spaces for residents and 34 for visitors:
- Block B – 10 spaces for residents and 3 for visitors:
- Block C – 12 spaces for residents and 4 for visitors.

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- 5.299 In order for the cycle parking to meet policy TR14 of the Local Plan it must be secure, convenient, well lit, well signed and wherever practical, sheltered. To ensure policy compliant cycle parking is provided the Highway Authority would recommend the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets, section 8.2.22. It should be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for some people to use. Further details in relation to cycle parking should be secured via condition.

Disabled Parking

- 5.300 The applicant previously proposed 16 disabled spaces in the car park to the rear of block A. As requested the applicant has amended the design of the bays so that they accord with the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95 and now proposed 13 spaces. These spaces are now considered acceptable and in line with SPG04.

Vehicular Access

- 5.301 Previously there was contradictory information provided in relation to vehicular access and access to Pelham Street in the Planning Statement. Chapter 6 of the Planning Statement has now been revised.

Student Move In/Out

- 5.302 Previously the Highway Authority asked for further information in relation to the number of spaces that would be available for loading/un-loading at the start and end of term. The applicant has stated that there will be the opportunity for 4 vehicles to load/un-load on Whitecross Street and 2 vehicles on Pelham Street. The Highway Authority has no objections to these arrangements.

Construction

- 5.303 The applicant has now submitted a Draft Construction Plan. The applicant is proposing that the existing access on Whitecross Street will be the main access with deliveries occasionally from Pelham Street. The plan states that operatives will not park on site and they will be encouraged to use alternatives means of transport. The applicant also states that the use of a park and ride facility will be explored. Other positive measures include:

- Strict delivery times to avoid peak hours including college start and end times:
- Delivery routes provided to sub-contractors:
- A consolidation centre away from the site:
- Unloading of deliveries from within the site:
- Highway sweeping and vehicle cleaning undertaken.

- 5.304 These measures are welcomed by the Highway Authority and will help reduce the impact the construction period has on the highway network. The need to provide these measures should be secured by appropriate means.

Public Realm

- 5.305 A S278 agreement will be required to enter into for the proposed works associated with any area of the adopted highway, including Pelham Street,

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Trafalgar Street and Redcross Street. Further detailed plans of the proposed highway works need to be produced prior to entering into the S278 works.

5.306 Pelham Street

- The applicant is proposing to relocate the existing motorcycle bays on Pelham Street to Whitecross Street these works will be agreed as part of the S278 agreement.
- The applicant has now made provision for a footway either side of the carriageway on Pelham Street. While full details have not been provided at this stage there appears to be adequate space to provide a footway either side of the carriageway and a suitable carriageway width, further details will be required as part of the future S278 agreement.
- The applicant is proposing bollards to prevent vehicular access the new pedestrian link to York Place between the private residential blocks. While this may be effective in preventing access it may not have a positive impact upon the street scene. Alternative arrangements such as trees or planters could be considered.

5.307 Whitecross Street

- The applicant is now proposing a recessed loading bay within the footway. This is deemed acceptable and further details would be provided as part of the S278 process.

5.308 Trafalgar Street

- The applicant has now indicated appropriate entry treatments at the edge of the site on Trafalgar Street, Redcross Street and Cheapside.

5.309 Trafalgar Court

- It appears that the applicant is intending to restrict vehicular access from Trafalgar Court by implementing bollards. Further details will be secured at reserved matters stage.

Comments made on 31 July 2013:

- 5.310 Cannot recommend approval of this application as further information and clarification is required.

Pedestrian Access

- 5.311 Broadly speaking the proposal is deemed to be enhancing pedestrian access both to and through the site. In terms of pedestrian permeability through the site the general principles that appear to be adopted are welcomed. The formulisation of the pedestrian desire line from Pelham Street across the existing car park to the North Laine via Redcross Street is welcomed. The proposed pedestrian route from Pelham Street to York Place improves permeability through the site. The applicant is also proposing a shared surface treatment to Pelham Street to try and reduce through traffic and provide for pedestrian movements. Further comments in relation to the proposed changes to pedestrian access are covered in the Public Realm section of these comments.

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5.312 In terms of individual access into buildings these are deemed acceptable. However, no doors should open out onto the adopted highway as this is an offence under the Highways Act 1980. Some doors appear to be outwards over the highway on Pelham Street.

Cycle Parking

5.313 SPG04 provides the minimum cycle parking standards for the proposed land uses. They are as follows:

- C3 Houses in multiple occupancy (HMOs) – 1 space per 3 bed-sits:
- D1 Educational Establishments – 1 space per 250m² part thereof:
- C3 Residential Dwellings – 1 car space per dwelling plus 1 space per 3 dwellings for visitors.

5.314 In order for the cycle parking to meet policy TR14 of the Local Plan it must be secure, convenient, well lit, well signed and wherever practical, sheltered. To ensure policy compliant cycle parking is provided the Highway Authority would recommend the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets.

5.315 Therefore for this development the minimum cycle parking standards are:

- Student residential – 147 spaces minimum:
- College – 51 spaces minimum:
- Residential – 125 spaces for residents & 42 spaces for visitors.

5.316 The applicant appears to be providing 42 spaces for the college with 8 additional spaces to the south of the development within the public realm. The 42 spaces for the college are between the college building and the student accommodation and appear to be in secure covered units. This level of cycle parking is just below the minimum standards however there is plenty of space within this area to provide additional cycle parking.

5.317 While for the student accommodation the applicant is proposing 80 Sheffield stands (160 spaces). While this provision meets the minimum standards in SPG04 the Highway Authority would have liked to have seen more cycle parking, given that students could be deemed more likely to cycle than other members of society. There could be scope to provide additional cycle parking, where the college cycle parking is.

5.318 It should also be noted that the site layout proposed masterplan drawing (drawing number P1105) presents different information to the SRA building proposed floor plans drawing (drawing number P1240). The masterplan drawing doesn't include cycle parking in this location while the SRA proposed floor plans does.

5.319 It is not apparent from the submission as to the proposed level of cycle parking for the residential and crèche elements of the development. The applicant should provide clarification on this matter.

Disabled Parking

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- 5.320 SPG04 states that the minimum disabled parking standards within a CPZ are as follows for the proposed land uses:
- All C3 uses (HMOs & Residential Dwellings) – 1 space per 10 dwellings:
 - D1 Educational Establishments – 2 spaces plus 1 additional space for 2500m² of floor space or part thereof.
- 5.321 The applicant states within section 4.4 of the submitted Transport Assessment that they are proposing the retention of 15 existing spaces to the east of Pelham Street and that they will be Blue Badge holder parking, associated with the private residential units and the crèche. However, on submitted site layout plan (drawing number P1105) the applicant indicates 16 spaces and does not provide an adequate clear zone to the side of each bay to allow convenient access into and out of a vehicle for a disabled person.
- 5.322 As stated at pre-application stage any off-street disabled bays should be designed in line with the guidance provided in the Department for Transport (DfT) produced Traffic Advisory Leaflet 5/95. Where a bay is perpendicular to the access aisle the bay should be 4.8m by 2.4m with an additional clear space of 1.2m either side of the bay and to the rear.
- 5.323 The applicant is intending to provide on-street disabled bays to serve the student accommodation. They have indicated 7 on-street disabled bays on Pelham Street. This is not ideal as the on-street disabled bays are not for the sole use of disabled residents living within the student accommodation.
- 5.324 While not ideal the Highway Authority would not object to the provision of disabled bays on Pelham Street to serve demand from the student accommodation. Blue Badge holders can park for free in the following areas:
- Pay & Display bays or shared Pay & Display/Resident CPZ permit bays:
 - Disabled bays: or
 - Single or double yellow lines where it is safe to do so for a maximum of 3 hours and where a loading ban isn't in force.
- 5.325 On this basis there is deemed to be sufficient opportunities in the local area to cater for the demand from Blue Badge holders associated with the student residential accommodation and therefore would not warrant a refusal of the application. The final design of Pelham Street and the proposed level of on-street disabled car parking will be agreed as part of the S278 agreement.

Servicing

- 5.326 Deliveries currently servicing the development access the site via Pelham Street. The applicant is proposing that all servicing and deliveries associated with the College and student accommodation will be from a proposed layby on Whitecross Street. The Highway Authority have no significant concerns in relation to this proposed layby but provide further comments in the public realm section of these comments.
- 5.327 The applicant states that the existing schedule of deliveries to the college is:
- 7.5 tonnes rigid lorry – 6 per day:
 - 3.5 tonnes large van – 12 per day:

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- Refuse Collection – 1 per day plus recycling 1 per week.

5.328 The applicant states that the delivery needs for the College are unlikely to change significantly from existing levels but there may be some additional refuse collection associated with the student residential accommodation. The Highway Authority would suggest that a Delivery & Service Management Plan is conditioned. The Delivery & Servicing Management Plan must include details of:

- the nature of vehicles being used:
- where deliveries will take place from:
- measures to ensure deliveries do not take place at times of the day when it is not permitted:
- provide delivery companies with appropriate access routes and details of legal loading/un-loading locations:
- create a vehicle booking system to co-ordinate deliveries and assess where deliveries could be minimised or consolidated:
- measures to consolidate or reduce the number of delivery vehicle trips.

Vehicular Access

5.329 Apart from retaining vehicular access along Pelham Street and proposing to use an existing vehicle crossover on Cheapside (to access disabled car parking spaces for the residential element of the building) the applicant is not proposing any other vehicular access points.

5.330 However, the applicant states in Section 6.30 of the Planning Statement:

“Restricted vehicular access to Pelham Street will be achieved via a Traffic Regulation Order. To enable access to Pelham Square it is proposed that the section of Trafalgar Street between Sydney Street and Pelham Square will be made two-way, and restrictions to vehicles turning left out of Whitecross Street and Trafalgar Street will be removed. Details of the proposals are contained within the Transport Statement.”

5.331 However, these works are not mentioned within the TS, the Highway Authority was of the view that the previous restricted access to Pelham Street and changes to Trafalgar Street were no longer proposed. The Highway Authority were of the view that the only changes to the highway were changes to Pelham Street (shared surface approach), related works on the boundary of the site and the loading bay on Whitecross Street. The applicant should provide clarification as to the nature of the highway works.

Car Parking

5.332 SPG04 states that the maximum car parking standards within a CPZ for the proposed land uses; are as follows:

- C3 Houses in multiple occupancy (HMOs) – 1 space per 4 bed-sits:
- D1 Educational Establishments – Operational parking 2 visitors car spaces:
- C3 Residential Dwellings – 1 car space per dwelling plus 1 space per 5 dwellings for visitors.

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- 5.333 The applicant is proposing that the development is of a car free nature bar the necessary disabled car parking spaces. There is no on-site car parking for the college and student accommodation. While for the residential and crèche land uses there are 16 disabled spaces located to the east of Pelham Street and accessed via the existing vehicular access on Cheapside.
- 5.334 The loss of the existing staff car park is unlikely to cause significant overspill car parking due to the fact that the development lies within a CPZ. The applicant has also produced a Travel Plan in order to promote sustainable forms of transport.
- 5.335 In order meet policy H07 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the student residential and private residential elements of the development to be made car free. The development site lies within CPZ Y and benefits from being in a central sustainable location close to public transport routes and local services.
- 5.336 Therefore on this basis, as the site is in close proximity to a range of public transport, including Brighton railway station and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable travel is promoted from this sustainable location.

Trip Generation/Highway Impact

- 5.337 It is forecast that the proposed extension will cause an increase in total person trip generation associated with the site. However, it is also concluded by the applicant that the development will result in a reduction in vehicle trips associated with development when compared to the existing levels.
- 5.338 In order to calculate the forecast trip generation the applicant's consultants have used the TRICS database to obtain trip rates for the different land uses. This has allowed them to forecast the multi modal trip generation for each land use proposed.
- 5.339 The applicant's consultants conclude that the proposed development is forecast to reduce the number of trips by car to the development. They state:

"...the development will result in a reduction of 162 car trips per day, which is a 50% reduction. The traffic impact of the proposals is therefore positive and will give rise to small benefits in the local area as a result of reduced congestion, conflict with pedestrians and cyclists, and environmental intrusion "

- 5.340 However, the total person trips to the site are forecast to increase. The applicant forecasts in Table 8 of the TS that there will be a total of 2049 daily trips by all modes associated with the student residential and 513 with the private residential units.

S106 Developer Contribution

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- 5.341 Given the scale of the development it is forecast that there could be an increase in total person trips associated with this development. The Highway Authority would therefore look for this to be mitigated by the applicant funding off-site highway works.
- 5.342 To comply with the Brighton and Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 2nd February 2012 the applicant is expected to make a financial contribution of £256,200. This is calculated below:

Number of residential units * person trip rate * £200.00 * reduction factor =
Contribution formula
Or (GFA/100m²)

442 student residential
2049 * 200 * 0.5 = £204,900

125 private residential
513 * 200 * 0.5 = £51,300

- 5.343 The college has not been included in the assessment of S106 contributions as it is not considered to increase trip generation above existing levels as a result of this development. The total person trips included within the above calculations are taken from Table 8 within the TA.

Student Move In/Out

- 5.344 The applicant states within section 9 of the TS that the move in and move out of students will primarily raise issues at the start and end of the year. Although it is acknowledged that there may be some movements at the end of each term.
- 5.345 In order to mitigate the potential impact of the students moving in/out the applicant is proposing the following:
- Travel Pack promoting sustainable travel sent to each student prior to moving in:
 - Students travelling by car will be given a pre-booked time slot:
 - Holding area to store student goods and reduce time spent loading/un-loading.
- 5.346 The applicant states:
"The Welcome Packs will identify potential vehicle off-loading areas in Pelham Street, adjacent to the residential accommodation, and also in Whitecross Street."
- 5.347 Depending on the adopted approach to Pelham Street legal loading may not be allowed on Pelham Street and there are limited loading opportunities on Whitecross Street. The applicant should provide further information as to the number of spaces/opportunities for loading/un-loading and look for additional capacity. It could be that the Trafalgar Street car park is used while loading/un-loading is taking place.

Construction

5.348 Due to the scale of the development there is a need for a Construction & Environmental Management Plan to be produced; this should be secured via condition. Within the TS the applicant has provided initial details of the construction management plan but states these won't be finalised until a contractor has been appointed. The greatest intensity of the construction related traffic will be during the demolition stage, initial estimates suggest that there could be up to 40 HGVs per day during this period of the build. The Highway Authority is of the view that a Construction & Environmental Management Plan can help to mitigate the impact caused during the construction phase and would look for this to be conditioned.

Public Realm

5.349 A S278 agreement will be required to enter into for the proposed works associated with any area of the adopted highway, including Pelham Street, Trafalgar Street and Redcross Street. Clarification should also be provided in relation to the extent of any new areas that are to be offered up for adoption by the Highway Authority.

5.350 The Highway Authority requires further detail in terms of the proposed works to Pelham Street. The applicant should consider the following points:

5.351 Pelham Street

- The proposed layout plan appears not to be proposing the retention of any of the existing motorcycle bays. The motorcycle bays are currently well used and therefore the applicant should look at retaining this level of provision. While it may not be appropriate to relocate them on Pelham Street, the applicant should provide alternative provision elsewhere.
- The applicant must consider provision for pedestrian movements within Pelham Street. Blind and partially sighted people can find shared surfaces extremely difficult to navigate. No consideration appears to have been given to delineating a pavement. This could be achieved by a change in material or a drainage gully.
- The applicant is proposing 7 disabled parking spaces on Pelham Street. This appears to be contrary to the aims of reducing vehicle movements on Pelham Street. Consideration should be given to locating them elsewhere or rationalising them:
- No details of the proposed road markings or signage have been submitted. Consideration should be given to how access and parking will be restricted. This was achieved in New Road by creating a Restricted Zone except for parking in marked disabled bays.
- The main street furniture proposed is tree planters. The applicant should consider the use of seating and cycle parking. This street furniture, while serving a purpose can also be used to delineate the carriageway and influence road user's behaviour.
- The current proposed masterplan doesn't appear to prevent vehicular access to the new pedestrian link to York Place between the private residential blocks.

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5.352 Whitecross Street

- The proposed layby should be designed and constructed within the footway. Recessed loading bays at pavement level should be implemented, such as those in other locations within the City including North Street. These allow loading to occur but also allow for a wider footway when loading is not taking place:
- It appears that an existing street tree is to be removed as part of these works. The arboriculturalist should be consulted upon this aspect.

5.353 Trafalgar Street

- Applicant must consider how the proposed works interact with the surrounding area. The Highway Authority would look for appropriate entry treatments on the edge of the site. The existing raised table at the junction of Trafalgar Street/Sydney Street should be extended to cover the junction of Redcross Street:
- The applicant should clarify whether vehicular access to Redcross Street is to be retained and what treatments are proposed in this location.
- The applicant should provide an appropriate entry treatment at the junction of Pelham Street/Trafalgar Street. The entry treatment should be used to reduce vehicle speeds and warn drivers that they are entering a shared surface area.

5.354 Trafalgar Court

- It is assumed that the new footpath at the end of Trafalgar Court is not for vehicular access. The applicant must consider how vehicular access will be restricted to this area.

5.355 New Pedestrian Link York Place – Pelham Street

- From the submitted plans it appears that there is no prevention of vehicular access from Pelham Street to this new pedestrian link to York Place. The applicant should clarify how vehicular access on this link will be prevented.

5.356 **Travel Plan Officer:**

5.357 Private Residential Development: The applicant is not proposing to do anything to encourage sustainable transport use by the occupiers of the Private Residential development. The applicant should consider implementing a package of incentives which could include one of the following: 2 years membership of City Car Club, Free monthly bus or rail season ticket, or a cycle voucher. (One per property).

5.358 Background Information: The data is 5 years out of date, and although they say nothing has changed, clearly fuel costs have risen and the economy has stalled. This may mean that car usage could have dropped in the intervening period. All targets in the full Travel Plan must use up to date survey data. In future surveys, in order to capture if staff and students are drivers or passengers, the survey question should differentiate between car user – driver, and car user – passenger.

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- 5.359 Appointment of Travel Plan Coordinator: The Travel Plan Coordinator should liaise with BHCC, and actively engage with the Brighton & Hove Travel Plan Partnership.
- 5.360 Provision of information and Raising Awareness: The Council's journey planner – www.journeyon.co.uk should be promoted to staff and students. Including the mobile version and other travel information based apps.
Public Transport Promotion: Both of the bus and rail based smartcards – 'The Key' should be promoted to students, as this can be the cheapest option for students. City College should consider installing a Real Time Passenger Information display in the reception area of the buildings to encourage public transport use.
Encourage Walking and Cycling: City College should investigate running a Salary Sacrifice Bike Scheme for staff to encourage the use of cycling.
Car Club: There is no mention of reducing carbon emissions within the Travel Plan. City College should explore how using lower emission Car Club vehicles instead of staff own vehicles can help to reduce business travel related CO2 emissions, and reduce the cost of mileage claims.
Targets: The target of a 10% reduction in car trips over five years is considered to be unambitious, based on the City Centre location, and the car free development. The Council would like to see this revised based on up to date survey data when the full Travel Plan is submitted. There should also be targets based on increased use of bus, rail, cycling and walking.
- 5.361 Monitoring and Implementation: The council uses the iTrace Travel Plan monitoring software. In order for there to be consistency across the city, the Travel Plan Officer would recommend that all annual surveys are undertaken with this tool.

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) is a material consideration.
- 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 and Hove Local Plan

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

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

Supplementary Planning Guidance:

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

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

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

Background Documents

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the educational needs of the College, the principle of the uses, design and visual impact including the principle of demolition of the existing buildings, impact on the immediate streetscene and on the setting of conservation areas and listed buildings. Impact on amenity of existing occupiers including impact on daylight, sunlight and overshadowing and outlook and privacy and noise and vibration. Acceptability of living conditions for future residents including impact on daylight,

sunlight overshadowing, outlook, privacy, amenity space provision and noise and vibration. The highways impact, wind environment and pedestrian comfort, air quality, external lighting, ground conditions and contamination, ecology and sustainability considerations, archaeology, waste management, socio-economic impact and infrastructure & viability.

Environmental Impact Assessment

8.2 An Environmental Statement (ES) has been submitted with this planning application. Prior to the submission of the planning application, a screening and scoping exercise was undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Environmental Statement has the component parts required by the 2011 Regulations and is considered acceptable. The following has been considered as part of the ES.

- Background to the Environmental Statement
- Overall Approach
- Description of Site and its Surroundings
- The Proposed Development
- The Planning Framework
- Socio-Economic
- Transport, Accessibility & Movement
- Townscape & Visual Impact Assessment
- Biodiversity
- Archaeology
- Built Heritage
- Air Quality
- Wind Environment
- Daylight, Sunlight & Overshadowing
- Noise & Vibration
- Ground Conditions
- Hydrogeology, Water Resources & Flood Risk
- Waste
- Lighting
- Residual Impacts
- Cumulative Impacts

Previous planning application BH2008/02376

8.3 The previous planning application for the redevelopment of the Pelham Street Campus was considered by the Planning Committee on the 18th of March 2009, where members resolved to Mind to Grant the planning application subject to a Section 106 Agreement. However, due to the Learning and Skills Council being abolished, the funding did not materialise, the Section 106 Agreement was not completed and the application was finally disposed of by the Council in 2011.

8.4 A two campus approach was a key aspiration of the City College at this time, with the second campus being located within a 'Bund Building' at the AMEX Community Stadium. A planning application for the 'Bund Building' was not submitted, although at the time the City College did have consent to occupy the

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majority of the East Stand. The proposed heads of term for the Pelham Street application contained a requirement that 10,000 square metres of education floorspace be secured elsewhere in the City prior to development on Phase 2 (non educational uses) commencing.

- 8.5 The previous planning application was accompanied by an Environmental Statement, and proposed to demolish Pelham Tower, Cheapside, Trafalgar and York buildings. The Gloucester building which is within the North Laine Conservation Area would have been the only existing building to remain. The application was a 'hybrid' with all matters approved for Phase 1 and an outline application including reserved matters relating to layout, scale and access for Phase 2.
- 8.6 It is considered that the decision taken by Planning Committee to mind to grant the 2008 application has weight as a material planning consideration.

- 8.7 The 2008 application comprised the following:

Phase 1 – car park site

New College building (14,000 sq metres internal floorspace). The building would have formed the main accommodation for City College at this campus. The building would have been 9 storeys at its highest point and included a three storey podium which would be sited on the area of the site currently used as a car park. Roof terraces at various levels were also proposed.

Phase 2 – Pelham Tower, Cheapside, York and Trafalgar buildings

It was proposed to demolish all buildings and to redevelop the site for a mixed use scheme comprising the following:

- Education Building (part 3 part 5 storeys 2,300 sqm);
- Youth hostel/student halls of residence (part 3 part 5 storeys 2500 sqm);
- Café (two storey) 400 sqm;
- Public square;
- Basement car parking (72 spaces);
- Residential Building 1 (five storeys with the top floor set back). GP clinic at ground floor with 28 residential units above of which 24 would be affordable housing;
- Residential Building 2 (two blocks, one 5 storey with top floor set back and one two storey) 22 residential units;
- Residential Building 3 (two storey) 7 houses;
- Commercial Building (part 3 part 4 storeys) 1460 sqm with 15 space car park below;
- Pedestrianisation of Pelham Street.

The College's 10 Future Plans

- 8.8 The College aim within the next 10 years to increase student numbers from a total of 10,549 (part time and full time) in 2013/14 to 12,469 by 2023. This would equate to an additional 1,920 students which includes a wide variety of different types of students including youth and adult further education and apprentices, community learning, higher education and 14 to 16 learners. There is currently in the region of 6,223 students at Pelham Street campus and 4,325 at Wilson

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Avenue and this is projected to increase to 7,356 at Pelham Street campus by 2023 and 5,112 at the Wilson Avenue campus by 2023. This includes all students, a large proportion of which are part time or on apprenticeships and therefore do not attend the campuses every day.

- 8.9 The College is also a key partner in the City Employment and Skills Group (CESG). The objective of the CESG is to support the creation of at least 6,000 new jobs by 2014 and to support Brighton & Hove residents in obtaining the skills required to be able to fill the jobs that area created. There is also the aim to increase the number of apprenticeships by 500 annually. The College has set up an Apprenticeship Training Association which offers apprenticeships on a part time basis.
- 8.10 There is currently 30,168 m² of floorspace on site. However, this is within a 1960s tower, former Victorian school buildings (Trafalgar and York) and Cheapside Building which was built in the 1920s. The College have calculated that the space which they use for teaching and support space is just under 20,000 m² with approximately 10,000 m² being circulation space and toilets. The buildings are considered to be inflexible and inefficient and no longer meet the demands of the College in terms of modern flexible teaching space. There is also a high cost associated with their maintenance and running costs.
- 8.11 The College consider that the way the buildings have been designed with corridors of fixed-wall classrooms are unable to accommodate the larger groups sizes needed for both efficiency and for the development of new approaches to teaching and learning. However, there is also insufficient small group seminar and one to one confidential teaching space. There is limited social or information learning spaces for students other than the central refectory and learning resource centre. The bulk of the vocational curriculum, where realistic working requirements are ideally required, take place in converted classrooms which do not meet industry standards.
- 8.12 The layout of Pelham Tower which is serviced by two outdated lifts and steep remote staircases makes circulation for staff and students problematic and the College have reported that it is not uncommon for it to take 10 minutes to travel from the refectory and learning and resource centre up to the hair and beauty space located on the 10th floor.
- 8.13 Construction trade courses is currently split over both campuses and is duplicated. It is the aim of the College to relocate this into a purpose built construction centre at Wilson Avenue. This will require a separate planning application.
- 8.14 Currently, due to the lack of suitable accommodation, the College cannot meet the demand for places on its hair and beauty courses and construction trade courses.
- 8.15 The College has stated that the floorspace which is recommended by the Skills Funding Council for a College of this size is 18,000 square metres. This floor area is in the form of new build efficient accommodation.

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- 8.16 In 2011 the College Corporation approved a masterplan for the College to rationalise the College Estate to 20,000m² which was split between two campuses, 12,000 m² at the proposed building at the Pelham Street site and 8,200m² at the existing campus at Wilson Avenue. This allowed for an increase of 2,000 m² over the space recommended by the Skills Funding Council.
- 8.17 The following courses would be provided within the proposed building at Pelham Street; arts, media, journalism, travel and tourism, retail, catering, business, accountancy, IT, science and maths, hair and beauty and English for Speakers of Other Languages (ESOL).
- 8.18 The following courses would be provided at Wilson Avenue; motor engineering, construction, sport, public services, health and care and performing arts. The College's future plans includes the development of a new Construction Trades centre at Wilson Avenue due to some demolition of existing accommodation, the total floor area at this campus is not expected to increase, although it will be more efficient. The total floorspace provision is 8,200 m².
- 8.19 After the Learning and Skills Council was abolished the College have investigated a number of different options including the possibility of refurbishing and reconfiguration of Pelham Tower. However, this had a significantly high cost associated with it along with significant decant costs and logistical difficulties.
- 8.20 There is no external funding available for the new College building at Pelham Street. Therefore the student residential and the residential development are enabling development for the construction of the new College building. A viability case has been presented by the College which has been independently assessed by the District Valuer and is discussed later in this report.
- 8.21 The College Building is proposed on the site of the surface level car park, as this would enable the College to remain operational at the Pelham Street site and would enable facilities to decant into the new building prior to any demolition of the existing buildings. Therefore, in order to achieve the College's decant strategy, the College Building has to be built as the first phase on the site of the car park, with the student residential and residential developments being the secondary phases.

Planning Policy & Principle of the Uses

- 8.22 The site is located within the Policy DA4 Development Area identified in the submission City Plan. Policy DA4 requires the provision of a minimum of 300 bed space student accommodation within the Development Area and a minimum of 1185 residential units. There are also a number of local priorities for the development area. Local priority 4 requires the Council to work with education providers and funding partners to support improvements in vocational training and further education. Local priority 7 requires strengthening links between the New England Quarter, London Road and the North Laine shopping areas with higher quality streetscapes and public squares and a greater choice of routes and ease of movement through the area with an improved pedestrian and cyclist environment.

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- 8.23 The site is also allocated as part of policy CP21 of the Submission City Plan for purpose built student accommodation for 300 bedspaces, to be delivered as part of a wider mixed use scheme. Policy CP21 states that the Council will encourage the provision of purpose built accommodation to help meet the housing needs of the City's students. Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area though issues such as increased noise and disturbance;
 2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape;
 3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 5. Proposals should be designed to be safe and secure and for their occupants whilst respecting the character and permeability of the surrounding area;
 6. Schemes should have the support of one of the City's two Universities or other education establishments within Brighton & Hove. The Council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
 7. Permanent purpose built student accommodation will not be supported on sites with either an extant permission for residential development on sites identified as potential housing sites.
- 8.24 The Council's 'Student Housing Strategy 2009 – 2014' was produced as a background document to the City Plan and identifies a number of key issues associated with the large student population that need to be addressed in partnership with the City's two universities, other educational establishments, students, landlords and developers. The Strategy sets out several objectives, one of which is to promote and enable the appropriate development of purpose built student accommodation at suitable locations within the City.
- 8.25 Supplementary Planning Document 10, 'London Road Central Masterplan Area' identifies the site for a "new Further Education "Knowledge Quarter" involving the demolition of the majority of the existing college buildings and replacement with new college facilities and additional mixed uses".
- 8.26 The 2012 Strategic Housing Land Availability Assessment (SHLAA) identifies the site for 60 dwellings.
- 8.27 A Planning Brief 'Pelham Street Knowledge Quarter' was adopted for the site in 2008, and allocated the site for a mixed use development, however, this has limited weight as it was not subject to public consultation.

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- 8.28 Local plan policy HO20 states that planning permission will not be granted for development proposals, including changes of use that involve the loss of community facilities, including educational facilities.

Exceptions may apply when:

- a. the community use is incorporated, or replaced within a new development; or
- b. the community use is relocated to a location which improves its accessibility to its users; or
- c. existing nearby facilities are to be improved to accommodate the loss; or
- d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.

Provision for education

- 8.29 The Phase 1 College Building proposed as part of the 2008 scheme had a floor area of 14,237 m². An additional 2,311 m² educational floorspace was also proposed within the Phase 2 development. As discussed earlier in this report, the College had aspirations at the time to provide for approximately 16,500m² at the Pelham Street campus with 10,000m² to be provided at a new building at the AMEX Community Stadium. The College had received outline approval for funding from the Learning and Skills Council (LSC) for the Pelham Street scheme. However, since the LSC was abolished in 2009, the College have to re-evaluate their future accommodation needs.
- 8.30 The current application would amount to an educational floorspace which is approximately 4,400m² less at Pelham Street than that which was previously sought as part of the 2008 application. The overall accommodation sought by the College in the City is approximately 20,300 m² rather than the previous 26,500 m². However the College have reassessed their need since 2008 and this is based on projections up until 2023. The floorspace figure of 20,300 m² does not include the accommodation which is provided for 14 to 16 year olds at Preston Road which is 1,250 m². It is also important to note that the College Building proposed in 2008 included a basement and a higher proportion of meeting rooms and staff offices. In addition, areas within the 2008 building were allocated to music and performing arts and workshops for ceramics, woodmetal and plastic work, and it is proposed to now permanently locate these at Wilson Avenue rather than Pelham Street.
- 8.31 It is also recognised that the education floorspace will decrease significantly on site from approximately 30,000m² to 12,000m². However, of the 30,000 m² floorspace on site, just under 20,000 m² is actually used as teaching or support space. Whilst the proposed College Building would have less floorspace it is considered that it would provide purpose built and modern teaching facilities in a more effective and efficient way.

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- 8.32 The College have developed a 10 year vision and have stated that the proposed building along with the Wilson Avenue campus will meet their needs. The floorspace that would be provided is approximately 2,300m² more than the 18,000 m² which the Skills Funding Council recommend for a College of this size. It is therefore considered that the proposal meets the criteria of policy HO20 of the Local Plan, as the use will be incorporated into a new building on site, and the College have demonstrated that this building along with the Wilson Avenue campus can meet their identified needs.

Student Residential Development

- 8.33 Purpose built student accommodation is now proposed (442 bedspaces). This is a significant difference to the previous 2008 scheme when only 2,500 m² of student accommodation was proposed. Based on the bed to floorspace ratio this could have equated to in the region of 87 bedspaces. However since that time the site has been allocated for purpose built student accommodation in the Submission City Plan through policies DA4 and CP21. Planning policy officers have commented that although the level of student accommodation proposed is significantly higher than that allocated in policy, this increased provision of student accommodation is not, in principle, contrary to the allocations in either policy DA4 or CP21. However, planning policy officers have commented that the applicant will need to assure the Council that provisions within policy CP21 which are related to managing the impact of disturbance in the neighbouring residential area can be fully addressed.
- 8.34 Sussex University have agreed in principle to enter into a nominations agreement relating to the proposed student accommodation and that their students would be the sole occupiers of the building. The University have also confirmed that the building would be managed in accordance with the details contained within the submitted Draft Management Plan. The building would be managed by a specialist management company who would also need to be fully signed up to the Management Plan.
- 8.35 The Draft Management Plan states that all students staying at the accommodation would be bound by a licence agreement in addition to the University regulations and both would contain student discipline regulations. Breaches of the University accommodation regulations and licence agreement would be investigated and may lead to the issuing of warnings or fines. In the case of serious or repeated offences students may be issued with a Notice to Quit (i.e. termination of their licence agreement).
- 8.36 The Draft Management Plan also states that there would be a staff presence at the building which would include security for 24 hours a day, 7 days a week while students are in occupation during normal term times. Staff will provide support to students and deal with any safety or disciplinary issues. They will also respond to complaints raised by the local community.
- 8.37 The accommodation would have a secure door entry system with card/fob access to enter the buildings and residents will not be able to 'buzz' doors open from within the flat and they would need to collect visitors from the front doors. CCTV is proposed to be installed on the site at various points internally and to

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cover the exterior of the development which will be controlled by the security team. The entrance is on Pelham Street.

- 8.38 The Draft Management Plan highlights that smoking will not be permitted inside the accommodation or within 5 metres of any door or window. However, the University have indicated that a smoking area could be permitted within the courtyard as long as it is 5 metres away from windows/doors. It is considered that this would be preferable to students smoking on the immediate surrounding streets.
- 8.39 All details within this current document are draft and must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development. The end user and the operator must both be fully signed up to any agreement.
- 8.40 It is also proposed through the a clause in the Section 106 Agreement, to require a representative of the both the management company and the University to attend the local LAT.
- 8.41 It is considered that the proposal meets criterion 6 of policy CP21 as the scheme has the support of Sussex University. It is considered that the Management Plan will address the requirements of criterion 1, and this is discussed further in the noise and vibration section of this report. It is considered that the scheme is compatible with the surrounding townscape and meets criterion 2, and this is discussed in more detail later in this report. The site is in a highly sustainable location and subject to the requirement to make the development car free, it would not have an adverse impact on on-street parking levels in the area and would meet criteria 3 and 4.
- 8.42 Therefore it is considered that the proposal complies with policy DA4 and CP21 of the Submission City Plan.
- 8.43 Planning permission was granted in January 2013 for 351 student bedspaces at the former Co-op store on London Road (BH2012/02675). Members resolved to Mind to Grant planning permission for 86 student bedspaces at 29-33 Ditchling Road (BH2012/03707). Both of these developments are within the DA4 Development Area. However, the 300 student bedspaces allocated within policy DA4 is a minimum, and it was always envisaged that student accommodation would be provided at the City College site and hence the reason why it was allocated specifically under policy CP21. It is not considered that these two other permissions for student accommodation would preclude any further student accommodation developments within the DA4 area, or specifically at the Pelham Street site.
- 8.44 The provision of dedicated student housing may reduce the number of students looking for housing on the open market, and could therefore release existing market housing and relieve some pressure on the housing market. However, this is difficult to quantify. In addition Sussex University is also hoping to expand their campus at Falmer in the future and increase their student population by 5,000 by 2018.

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- 8.45 Student accommodation does not fall within the definition of affordable housing (as defined by Annex 2 of the NPPF) however it is a form of residential accommodation that meets a specialist housing need in the city. It is the intention to require that the building can only be used for students at higher education level and this would ensure policy HO2 of the Local Plan would be addressed. Therefore, the LPA will not be seeking an affordable housing provision on site or an off-site contribution in terms of the student residential development.

Residential

- 8.46 The site is allocated for a mixed use scheme in policy CP21 of the Submission City Plan and within SPD10 London Road Central Masterplan. The previous 2008 scheme included plans for up to 60 dwellings, and hence the site is allocated for 60 dwellings in the SHLAA. Therefore, it is considered that the principle of residential development on the site is acceptable.

Whole site

- 8.47 It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements.

Design & Visual Impact

- 8.48 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites and policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.
- 8.49 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.
- 8.50 As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will 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.
- 8.51 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.

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- 8.52 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.

8.53 HE3 will not permit development where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale materials, layout, design or use.

8.54 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.

Demolition of existing buildings

8.55 It is proposed to demolish York, Trafalgar and Cheapside Buildings but to retain Gloucester Building which is the only building within the application site which is within a conservation area (North Laine).

8.56 York, Trafalgar and Gloucester Buildings were established on the site following the Education Act of 1870. They were designed by Thomas Simpson & Son, who designed all of the Brighton Board Schools of this period in a common late-Victorian Free Style, with steep slate roofs, ornate gables and elevations in brown and red brick. The Trafalgar Building has undergone major alterations within the 20th century when its steep ornate gables were lost and a further wing was added. The building does however have some townscape and historic interest.

8.57 The York Building has been subject to various incremental additions and is now completely landlocked. The top of York Building is visible from some views from around St. Peter's Church. It has some architectural and historic interest but very limited townscape value. Cheapside Building was constructed in the 1920s and it is not considered that it has particular townscape or historic interest.

8.58 Trafalgar and York Buildings are considered to be non designated heritage assets. However, they are not considered to be worthy of listing and they fall outside of a conservation area. Gloucester Building is within the North Laine conservation area and it is proposed to retain this building. In order to address

the uncertainties regarding the future of Gloucester Building, the building has now been included within the application site boundaries and it is proposed to bring it into use as a crèche. It is proposed to secure that the building is brought back into use within a certain time frame as part of the Section 106 Agreement. Any external alterations other than simply refurbishment would be subject to a separate planning application.

- 8.59 The applicant has submitted plans which give a guide to how many units of residential accommodation could be accommodated within Cheapside, Trafalgar and York Buildings if they were to be retained rather than demolished. Cheapside could accommodate in the region of 15 units, Trafalgar could accommodate 22 units and York could accommodate 11 units. This is a total number of 48 units compared to the 125 units which are currently proposed. It is not considered that the wider redevelopment would be viable with such low numbers. In addition, it would be extremely difficult to meet the requirements of Lifetime Homes, Wheelchair Accessible Standards or Affordable Housing requirements. There would be limited landscaping/amenity space provision and creation of a new pedestrian street and the opening up of the pedestrian link to York Place would not be a possibility.
- 8.60 The demolition of Cheapside, York, and Trafalgar was considered to be acceptable when the decision was taken to Mind to Grant the previous 2008 scheme (BH2008/02376).
- 8.61 It is considered that the York and Trafalgar Buildings have relatively low significance in terms of townscape and historic a value. Subject to the visual impact of the proposed development, which is discussed in more detail later in this report, it is considered that the demolition of the buildings can be justified in terms of the public benefits the redevelopment will provide. English Heritage and the Council's Heritage Team have no objections to their demolition.

Layout of the site

- 8.62 It is considered that Pelham Tower and the car park bear limited relationship to the historic street pattern in this part of the Brighton, which was originally more akin to the tight urban grain of the North Laine Conservation Area to the south.
- 8.63 The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street.
- 8.64 Key pedestrian routes through the site would be enhanced. Pelham Street would operate as a landscaped shared space similar to New Road and a pedestrian street would be created to link up to the archway at 15 York Place. The key points of entry to the site from Trafalgar Street would be from Redcross Street and Pelham Street and a new route would be opened up from Trafalgar Court. It is considered that the scheme would provide improved pedestrian links from London Road to the North Laine. It is considered that scheme would contribute towards achieving the aims of SPD10 London Road Masterplan, due to the public realm improvements and the improved pedestrian connectivity.

Streetscene Views

Pelham Street

- 8.65 On the west side of Pelham Street at the south end the public square would be present. To the north of this would be the seven storey section of the College building and adjacent to this would be the student residential building. The student building would be part eight, part seven and part six storeys on this elevation. The ground floors of both buildings would be mainly glazed and it is considered that the hair and beauty salon and the print shop at the ground floor of the College building and the gym, common room and main entrance to the student building, would add interest and activity at street level.
- 8.66 A gap of 25 metres would be present between 2 Pelham Street and the seven storey section of the College building which fronts Pelham Street. 2 Pelham Street is a small scale two storey dwelling and is approximately 6 metres to eaves height and 7.8 metres to ridge height. The College building would represent a significant increase in height from that of 2 Pelham Street as it would be approximately 22 metres to the top of the six storey section of the building and 26 metres to the top of the recessed seventh storey. There would also be a plant screen on the roof which would be 29 metres in height, however this is set back some distance from the south and east building lines. The ground and first floors are recessed slightly on this elevation. The public square does give a degree of separation between the small scale Pelham Street properties and the proposed College building. The height of the College building has also been staggered so that its tallest part is on the Whitecross Street side.
- 8.67 The main south elevation of the College building presents a lively and high quality elevation and the public square enables it to have a setting where it can be viewed from Pelham Street.
- 8.68 On all street elevations, the student residential building has been designed so that there are three main sections of the building which step down in height and would be treated in render and contain the windows for the study bedrooms. The study bedroom windows would be slightly recessed and would have a coloured panel adjacent. The bulk of the three main sections would be broken up by long vertical areas of glazing and panelling which would also be part recessed and angled. The top floor on all street elevations would also be treated in different materials and be recessed. The elevations of student residences, due to the nature of the same layout on each floor, can sometimes result in repetitive elevations. However, the way the building is broken down into three main sections and the use of the materials and recessed elements is considered to break up the horizontal bulk of the building and give it a vertical emphasis.
- 8.69 The podium section of Pelham Tower is approximately 12 to 13.4 meters above pavement level and is present immediately on the back of pavement along with a more modern glazed infill section which accommodates the main entrance. It is considered that the plinth represents a bland facade to the streetscene with little visual interest. The tower section of Pelham Tower is set back approximately 10 metres and has a height of approximately 43 metres above street level. The height of the Student Accommodation Building would vary due to its staggered height and would be approximately 21.6, 18.2 and 15 metres to the top of the

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rendered sections of the building and 24, 20.6, 17.4 metres to the top of the recessed top floor. Pelham Street would be widened by moving the building line on both sides.

- 8.70 On the east side of Pelham Street to the north of the part three part four storey Foyer Building, the side elevation of the five storey residential building (Block B) would be present followed by new pedestrian street which links though to the archway at 15 York Place. The Foyer Building is approximately 11.5 metres in height at its northern end. Block B would be 11 metres to the top of the fourth storey and 14 metres to the top of the fifth storey which is recessed. The existing Trafalgar Building is approximately 16 metres to the top of the parapet. Block B would therefore be lower in height than the Trafalgar Building, and although it is taller than the Foyer Building, given that the top floor is recessed it is considered that the relationship between the two buildings would be acceptable.
- 8.71 To the north of the new pedestrian street would be Block A, which would be six storeys and would front Pelham Street for some 80 metres. The top floor would be recessed from the building line. The pavement levels along Pelham Street increase in height from south to north and the building would be a maximum of height of approximately 15 metres above pavement level to the top of the fourth floor parapet and up to 17.3 metres above pavement level to the top of the fifth floor.
- 8.72 Block A would be slightly lower than the ridge height of Cheapside, and approximately 1.7 metres higher than the parapet height of the Trafalgar Building. The top of the recessed fifth floor of Block A would be approximately 5 metres higher than the eaves height of the Cheapside Building. The top of the fourth floor parapet of Block A would be approximately 3 metres higher than the eaves height of Cheapside. The top of the fourth floor parapet of Block A would be just below the height of Trafalgar Building.
- 8.73 Therefore the overall height of Block A is just below the ridge of Cheapside and only 1.7 metres higher than the parapet of the Trafalgar Building. The top of the fourth floor would be approximately 3 metres higher than then eaves of Cheapside Building. Whilst it is recognised that the design of the proposed building with a flat roof would result in a greater mass at higher level as opposed to a traditional pitched roof design, this is offset to a degree with the recessed design of the top floor. Therefore, it considered that the proposed residential buildings would have a similar bulk and massing along the Pelham Street frontage to the existing buildings.
- 8.74 The external appearance of the residential buildings are not being assessed at this stage and it will be important at the reserved matters stage to ensure that the design is consistent with local policy and is high quality. Details shown on the indicative plans would not set a precedent for what might be considered acceptable design when the external appearance is assessed at the reserved matters stage.
- 8.75 Due to the large width of the building on the streetscene it will be important to ensure at the reserved matters stage that the design incorporates features to

break up the horizontal nature of the building and to give it a more vertical emphasis. A balance will need to be made between the amenity consideration of future residents (daylight requirements) and the design of the elevation. As discussed later in this report, large windows are likely to be needed so that rooms receive adequate daylighting levels. However, very large windows may not be acceptable in terms of achieving adequate levels of privacy for residents. In addition, the initial daylighting calculations found the presence of large balconies obstructed light from those windows behind. It is considered that some balconies or projecting windows may be needed in order to break up the façade and to give it an additional dimension. The reserved matters application will need to assess this in further detail and to balance the need of residents with the future design.

- 8.76 Pelham Street would be widened and landscaped and would operate as a shared space with tree planting proposed. The reinstatement of a building line along the length of Pelham Street is considered to be a major benefit of the scheme. It is recognised that the College building and the student building would result in an increase in bulk and massing immediately to the edge of pavement on Pelham Street, and at the narrowest point the interface distance would only be 12 metres between Block A and the student accommodation building. However, the width of Pelham Street is proposed to be widened and it is considered that the scheme is successful in breaking up the bulk of the student building by breaking it down into three main sections which step down in height. The use of different materials and the use of projecting and recessed elements adds interest to the elevations and there would be an active street frontage at ground floor level.

New street linking to 15 York Place

- 8.77 This would be pedestrian only. To the south of the new street the five storey Block B would be present and to the north the part five, part six storey southern wing of Block A would be present. The side elevations of the two rows of two storey terraces which form Block C would be adjacent to the new street. However, the western most terrace would be set back from the building line of the eastern terrace in order to accommodate a public square. Officers would prefer for the building line for the western terrace to mirror that of the eastern terrace as there are concerns over the location of a public square here which may not have a sufficient sense of enclosure. However, the applicant believes that the square is fundamental to the public realm improvements on offer on this part of the site. The square would be overlooked by the eastern building of Block C and part of Block A. It is considered that the creation of a new pedestrian street thought to York Place is a significant improvement in terms of increased permeability and links from North Lane to London Road.

Trafalgar Court

- 8.78 The opening up of Trafalgar Court is also an improvement in urban design and permeability terms. The proposed two storey terraces with pitched roofs are considered to be appropriate in terms of scale. Whilst the indicative drawings show that flats are proposed within these buildings rather than individual houses, it will be important at the reserved matters stage to ensure that they have the appearance of a mews development with multiple entrances and a vertical emphasis.

Cheapside

- 8.79 Pavement level on Cheapside rises steeply in height from east to west. Cheapside Building has a height to eaves of between 13.2 to 13.6 metres and to ridge height of approximately 17 metres. Block A would have a height of between 14.4 to 15.6 metres to the top of the fourth floor parapet and between 16.6 to 17.6 metres to the top of the recessed fifth floor. The southern section of the building would drop to four storeys and would have a height of 12.8 metres. Block A would be taller than Cheapside and would have a greater mass at higher level due to the flat roof design. However, as on the Pelham Street elevations, this is alleviated by the set back of the top floor. It is considered that the height of Block A is acceptable in terms of its impact on the Cheapside streetscene.
- 8.80 Part of the siting of the Student building would be set back from the building line of the podium of Pelham Tower by between 1.5 and 3 metres. The height of the Student building would again be staggered and would be part six, part seven and part eight storeys. However, due to the difference in levels the seven and eight storeys would appear as seven and seven and a half storeys above pavement level. The height above pavement level of the different section would be approximately 14.6, 16 and 17 metres to the top of the rendered sections and approximately 16.8, 18.4 and 19.4 metres to the top of the recessed top floor. Railings adjacent to a lightwell are proposed for part of the elevation. The podium of Pelham Tower has a height of between 8 and 12 metres above street level. The tower section is set back approximately 7 metres and has a height of 41 to 42 metres above street level.
- 8.81 It is recognised that the Student building would result in increased height and bulk immediately at the edge of the pavement. However this has been alleviated by the design of the building and the staggered heights with step down to follow the topography, the design of the recessed top floor and the breaking up of the elevation into three main sections.
- 8.82 Properties immediately opposite are two and three storeys in height (43 to 47 Cheapside) but the New England Quarter flats (Blackmore Court) are five storeys. Further to the west on Cheapside is Victory House which is seven storeys but has large floor to ceiling heights. The Halfords site immediately to the west is small scale however, this is allocated as a Strategic Allocation in the City Plan and it envisaged that this site could be developed in the future. It is therefore considered that the height and design of the student building has an acceptable impact on the streetscene.
- 8.83 Public realm improvements are proposed on Cheapside and include different materials and tree planting.

Whitecross Street

- 8.84 Adjacent to the three storey dwellings on Whitecross Street (1& 2), a new gate serving the alleyway is proposed after which the three storey section (two storey above pavement level) of the College building would be present. The height of this section of the building would be 8.8 metres with a width along the street of 13.4 metres. The parapet height of Whitecross Street properties is 8.2 metres. It

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is considered that this smaller section of the building has a similar height to the adjacent Whitecross Street properties.

- 8.85 The College building would then rise to seven storeys plus the plant screen. The top floor would be set back from the western and southern building lines as would the plant screen. The building height to the top of the sixth floor would be 21.4 metres, to the top of the seventh floor would be 25.4 metres and to the top of the plant screen would be 27.4 metres. There is an entrance on this elevation which is recessed.
- 8.86 A single storey building would be present in between the two buildings which would house the refuse store for the College Building and the substation.
- 8.87 Although the Student building would be nine storeys in height at its southern end, due to smaller floor to ceiling heights it would be lower in height than the College Building. The height of the building would be staggered and would be part nine, part eight and part seven storeys in height. Although due to the difference in pavement levels on Whitecross Street which rise from south to north the seven storey section would appear as just over six storeys on the corner with Cheapside as ground and part of the first floor would be sunken below pavement level. Railings adjacent to a lightwell are proposed for part of the elevation. As on the other street elevations the building has been designed so that there are three rendered sections of a staggered height and that they are broken up by glazing.
- 8.88 The podium of Pelham Tower has a height of approximately 7.5 to 8.5 metres above street level. The tower section is set back a considerable distance from the street (over 17 metres). The height of the Student Accommodation Building would be approximately 23, 20 and 16.4 metres to the top of the rendered section and approximately 25.4, 22 and 18.8 metres to the top of the recessed top floor.
- 8.89 A lay-by is proposed adjacent to the College Building and it is proposed to upgrade the pavement materials.
- 8.90 The existing development immediately on the back of pavement level consists of the surface car park and the podium which is low scale, however, Pelham Tower is clearly visible in the views of the street. Theobald House which is present on the opposite side of the street consists of 18 storeys on top of the car park podium. It is recognised that the proposal will result in a much higher density of development immediately on the back of the pavement and would be significantly taller than the adjacent three storey properties on Whitecross Street. However, south west corner of the College Building which is two storeys in height does allow for some transition of scale between these buildings. There is interest at ground floor building has been designed so that it is broken up into three main sections with staggered heights which breaks down the mass of the building vertically. It is therefore considered that the height and design of the proposals on this street is acceptable.

Whole Development

- 8.91 It is considered that the height, massing and design of all of the buildings are appropriate for their immediate streetscene settings. The College and student

buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The overall pallet of materials acceptable however a condition requiring samples to be agreed is proposed.

Longer Views

- 8.92 The application site is located at the outer edge of one of the areas designated as suitable for tall buildings under Policy CP12 of the City Plan part 1 and SPG15 'Tall Buildings'. The precise boundaries of the tall building areas have not yet been defined as this will be done through the Urban Design Framework SPD. It cannot therefore be stated at this stage that site lies within a tall building area but it lies at the south east extremity of the Brighton Station/ New England tall building node, which is situated to the east of Brighton Station, to the north of Trafalgar Street and along New England Street.
- 8.93 This site is close to the valley floor and includes the existing tall building of Pelham Tower. It also lies immediately to the east of the very tall Theobald House. There could therefore be strong justification for including this site within the tall building area. SPG15 states that the form of Theobald House should not be used as a precedent for future development proposals. SPG15 does advise that the interface with the North Laine Conservation Area and also the visual impact on St. Bartholomew's Church, views from the Valley Gardens Conservation Area and from further across the valley will need to be considered in detail when assessing the impact of a tall building in this area.
- 8.94 The previous scheme (BH2008/02376) included a tall building on the site of the car park which was up to 9 storeys in height, although the rest of the proposed buildings were not classed as tall buildings. This current application contains two tall buildings which are over 18 metres in height, the College building and the Student building. The residential buildings would not be above 18 metres in height above pavement level and would therefore fall below the threshold. When the decision was taken by Planning Committee to Mind to Grant the previous 2008 scheme, it was considered that the principle of a tall building on the site was acceptable subject to securing the demolition of Pelham Tower. However, the impact of the current scheme on the surrounding area including the setting of the conservation areas and listed buildings needs to be re-assessed.
- 8.95 The ES includes a Townscape and Visual Impact Assessment and a Built Heritage Chapter. A number of key views have been produced using a 3D Cityscape computer model which was created for the site and the surroundings which are included as an appendix to the Townscape and Visual Impact Assessment Chapter. The key views have been produced to aid the assessment of the development in terms of its impact on the views to and from the Valley Gardens and North Laine conservation areas and the setting of nearby listed buildings, mainly St. Bartholomew's Church and St. Peter's Church.
- 8.96 St. Bartholomew's Church is a Grade I listed building and lies just over 200 metres north of the site. St. Peter's Church is Grade II* Listed and lies within the Valley Gardens Conservation Area to the east of the site.

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8.97 There are a number of Grade II listed buildings within 200 metres of the site. These are 30 – 37 and 41 - 52 Kensington Gardens, 96 Trafalgar Street, 11 and 12 Trafalgar Street, 1 – 12 and 15 – 24 Pelham Square, 1A – 13 and 1 – 14 St George's Place, 4 – 9 St. Peter's Place, 3 and 5 – 13 Ditchling Road and 4 – 9 Queen's Place.

8.98 The following views were included within the ES:

- View A: Trafalgar Street 1 - taken from south side of Trafalgar Street next to the junction with Frederick Place and looks eastwards towards the site;
- View B: Trafalgar Street 2 - taken from the south side of Trafalgar Street next to the junction with Kemp Street and looks eastwards towards the site;
- View C: Trafalgar Street 3 - taken from south side of Trafalgar Street next to the junction with Trafalgar Lane and looks eastwards towards the site;
- View D: Whitecross Street - taken from junction of Whitecross Street and Trafalgar Street and looks north along Whitecross Street;
- View E: Pelham Street – taken from junction of Pelham Street and Trafalgar Street and looks north along Pelham Street;
- View F: Pelham Gardens – taken from the south end of Pelham Gardens and looking north towards Pelham Street;
- View G: Sydney Street – taken from near the junction with Gloucester Road and looking north along Sydney Street;
- View H: Grand Parade – taken from the south of the junction of Grand Parade and Richmond Parade and looking in a north western direction towards the site;
- View I: John Street – taken from the footpath on the higher open land adjacent to John Street looking across the valley over Grand Parade towards the site;
- View J St Peter's Street/St Bartholomew's – taken from St Peter's Street south of St Bartholomew's Church and looking in a south direction towards the site;
- View K New England Street – taken from New England Street south of the junction with Ann Street and looking in a south easterly direction towards the site;
- View L: St. Peter's Place – taken from the northside of St. Peter's Place near to the junction with Ditchling Rise and looking in a south western direction towards the site;

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- View M: The Level – taken from the centre of the Level looking in a south-west direction towards the site.
- View N: St Peter's Church – taken from the immediate area north of the Church and looking towards the site in a westerly direction.

8.99 The development would not be visible in views A, B or C.

8.100 St. Bartholomew's Church is visible in views along Whitecross Street in View D, although in the view from the junction with Trafalgar Street it is screened by the trees on the pavement of Whitecross Street. The student building would obscure the view of St Bartholomew's. However, the important view of St Bartholomew's is from Pelham Street (View E) and it is considered to be more important to improve this view. Pelham Tower and the car park are prominent in the existing view.

8.101 The removal of the unsightly Pelham Tower and the car park is beneficial, and the new buildings would represent a variety of different buildings heights and materials. It is recognised that the building mass is being brought nearer to the smaller properties within the North Laine conservation area, however the three storey section of the building (two storeys higher than the pavement level on Whitecross Street) does allow for some transition of scale between the adjacent three storey buildings (1 and 2 Whitecross Street) and the eight storey section of the building.

8.102 View E is taken from the junction of Pelham Street with Trafalgar Street. The three storey podium of Pelham Tower obscures the gable end of St Bartholomew's and Pelham Tower is very much the dominant feature in this view. A building line along the majority of the west side of Pelham Street would be reinstated by the development. The siting of the student building is slightly further to the west than Pelham Tower, and the corner of the building would be angled back to the west. This would open up the view of the gable of St. Bartholomew's considerably and the whole of the gable would be visible. It is considered that the view of St. Bartholomew's would be improved and this is a beneficial impact. The view of St. Bartholomew's was also opened up as part of the previous scheme (BH2008/02376), however not to the same extent as the western section of the gable would have still been slightly obscured.

8.103 View F is taken from the Pelham Square and all Pelham Square properties are listed. There are a number of trees within the Square which do provide some screening of the views out of the square in summer months. Glimpses of Pelham Tower are visible in this view. It is not considered that the development would be harmful to this view or to the setting of the Pelham Square properties.

8.104 View G is taken from the south end of Sydney Street in the North Laine conservation area with 89 and 90 Trafalgar Street being present at the end of the street. The blank south elevation of Pelham Tower is prominent in this view as well as an oblique view of the western elevation. The proposed College building would be sited to the south of the Pelham Tower and therefore closer to

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the two storey Trafalgar Street properties. Whilst Pelham Tower is prominent in this view there are areas of sky visible above the rooftops of Trafalgar Street properties to either side of the Tower. Although the top of the eighth storey of the proposed College building would be 16 metres lower than Pelham Tower, due to its location closer to Trafalgar Street, it would be perceived as being the same height as Pelham Tower. Due to the greater width of the proposed building, the building would enclose the views of the sky which are currently visible either side of the Tower. It is considered that the building would have a greater bulk and massing in this view. However, it is recognised that the proposed building would be a much higher quality design than that of Pelham Tower, and that the central glazed section would break up the solid mass of brick on the wings to either side. It is also recognised that the previous 2008 scheme would have also been highly prominent in this view with a section of the building being taller than the currently proposed College building.

- 8.105 Three additional views have been produced for Sydney Street which are taken from the junction with Gloucester Street, adjacent to 31 and from the north top of Sydney Street. The presence of the proposed College Building would increase as one moves northwards along Sydney Street up to 31 Sydney Street after which the bulk which is visible would reduce and at the top of Sydney Street it would only be the top two floors which are visible over the rooftops.
- 8.106 View H is taken from Grand Parade, and it considered to be important in terms of the setting of both Valley Gardens Conservation Area and St Peter's Church. The top five storeys of Pelham Tower are visible in this view and it is considered that its removal would be a significant improvement in terms of the setting of the conservation area and St Peter's Church. Part of the top two floors of the Proposed College Building would be visible in this view above the roofline of St George's Place and York Place properties. The tallest section of the student building and a small section of part of the residential building would also be visible. However the building heights are varied and the development would not appear unduly prominent above the rooftops.
- 8.107 In view I taken from John Street, the overall height of buildings which can be seen would be reduced with the demolition of Pelham Tower, however due to the position looking down across the Valley onto the site, a greater width and mass of buildings on the site would be visible. This is not considered to be a strategic view in terms of the setting of listed buildings or conservation areas. There are a number of other existing tall buildings which are prominent in this view.
- 8.108 In view J from St Peter's Street it is considered that the removal of Pelham Tower would have be significant improvement. The top floors of the proposed student building would be visible above 45 Cheapside, however the building heights would be staggered in line with the topography of the site.
- 8.109 In view K, Pelham Tower is prominent to the east of the junction with Cheapside with the three storey podium being present immediately to the south of the junction. The three storey section has limited opening and visual interest on the corner. Whilst the proposal would result in a repositioning of building mass on

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the corner, it would still be significantly lower than the maximum height of Pelham Tower, and it is considered that the proposed building's form and height would be appropriate in this setting.

- 8.110 View L is taken from St Peter's Place. Pelham Tower is a prominent feature in this view above the rooftops of York Place properties which fall within the Valley Gardens conservation area. The top floor of the College building and part of the top floor of the student building would be visible in this view. The heights of these buildings would be staggered. Part of Block A would be visible over the flat roofs of 27 and 28 York Place. Since the visuals were produced an additional mansard roof has been installed at 27 York Place which would further shield the section of the top floor of Block A. The College Building proposed as part of the 2008 scheme (BH2008/02376) was taller and would have been more prominent than the current proposals in this view. However, none of the other smaller buildings would have been visible over the rooftops. As part of the proposed scheme there is less height which is visible although the mass which is visible is spread over a wider area. However, it is considered that the proposal would still represent a significant improvement in this view.
- 8.111 View M is taken from the Level and shows that Pelham Tower is prominent above the tree line. The proposed view shows that the proposed buildings would not project above the tree line.
- 8.112 View N is taken from the immediate area directly to the north of St Peter's Church. This is an additional view than those which were produced as part of the 2008 application. As with View L, the previously proposed College building was taller and more prominent in this view than that currently proposed. The amount of the residential buildings which can be seen would be similar between the two schemes. Part of the top floor of the student building would be visible as part of the current scheme. However as the building heights of the student building would be staggered, it has reduced the width of the mass which is visible above the rooftop. It is considered that the proposal would be of significant benefit to this view.
- 8.113 The site is referred to in the North Laine Conservation Area Study (1995) as at the time of production of the Study it was identified in the Brighton Borough Plan for expansion and consolidation of the College (Brighton Technical College). The Study states that the original street pattern should be retained and reinstated and that new buildings should follow the original building lines and should be carefully related to the heights and materials of surrounding buildings, especially those in the Conservation Area. The Study also states that new buildings should complete the north side of the Square (Pelham) and should be no more than three storeys on this frontage. However this height is specifically related to the Trafalgar Street frontage (nos.100 -102).
- 8.114 The building lines along Whitecross Street and Pelham Street would be reinstated, however it is considered that it would be unreasonable to expect a scheme to also reinstate a building line along both sides of the former Redcross Street to Cheapside. This would significantly reduce the amount of development which could be provided on the site. The buildings have been

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considered in terms of their impact on the conversation area and building lines have been retained although not re-instated. The proposals will provide an improved pedestrian route through from Redcross Street to Pelham Street. It is considered that the North Laine Conservation Area Study has limited weight with regard to the determination of the application. The Study was produced nearly 20 years ago. Since then the Local Plan has been adopted and the City Plan has been developed to Submission stage. Other supplementary planning documents such as SPG 15 Tall Buildings have also been adopted which are considered to have more weight in the decision making process than the Study.

- 8.115 English Heritage have commented that they accept that a higher density development is required at this site and that the scale and massing of the proposed buildings would represent an appropriate transition between the Valley Gardens and North Laine conservation areas and the larger scale development to the west. The stepping down of the buildings from west to east with the topography of the site would help to retain or enhance most views. The prominent view of the tall gable end of St Bartholomew's would be enhanced and the slight widening of Pelham Street and its proposed use as a shared space would offer the additional benefit of improving opportunities for visitors to enjoy this aspect of the Church. English Heritage also consider that the proposals would provide an enhancement to the setting of St Peter's in views from the east of the site and that the new pedestrian access route through to York Place again presents opportunities for visitors to better access and enjoy this important building.
- 8.116 The Council's Heritage Team have commented that the demolition and redevelopment of the existing Pelham Tower and the development of the adjacent car park site are welcome and would have substantial benefits for the setting of the adjoining conservation areas and for the settings of a number of listed buildings in the vicinity.
- 8.117 The site forms a transitional area between the small scale, tight knit urban grain of the two conservation areas and the large scale contemporary development of the New England Quarter. The buildings have been successfully designed so they would step down in height from west to east which was considered to be important in order to reflect the topography of the area which steps down from land levels from the station area down to the basin of the valley at St Peter's Church. The student building also steps down in height from the area adjacent to the taller College building down to the Cheapside frontage. The staggered change in heights and from south to north would prevent continuous linear forms of buildings being present above the York Place rooftops. It is considered that the demolition of Pelham Tower and the proposed buildings would enhance the views from the east from the Valley Gardens conservation area and St Peter's. The view of the gable end of St Bartholomew's along Pelham Street would be improved and this is considered to be a significant improvement.
- 8.118 It is recognised that there would be a greater mass of building present in the Sydney Street view which would appear as a similar height to Pelham Tower and cover a wider area. However, it is considered that the detailing and design of the proposed College Building will be a far higher quality than that of Pelham

Tower. The rationale for locating the College Building on the car park site and the need to keep the College operational whilst this building is under construction is recognised and also was accepted when the decision was taken to Mind to Grant the 2008 scheme.

Landscaping and Public Realm

- 8.119 The operation of the public square to the south of the College building is discussed in more detail within the noise and vibration section of this report. The rear of the Trafalgar Street, Pelham Street and Whitecross Street properties have a somewhat incoherent appearance as it was never intended that they would be a backdrop to a public area. Although in reality they have actually been a backdrop for many years to the surface level car park and informal pedestrian route through. In order to screen the rear of these properties planting in the form of a line of birch trees is proposed along the southern edge of the square, and to the rear of this a bespoke timber fence. There are two main entrances to the square via Pelham Street or Redcross Street. There are a series of ramps and level changes which result in a circular piece immediately outside of the main entrance. It is also proposed to upgrade the materials on Redcross Street.
- 8.120 Significant public realm improvements are proposed along Pelham Street, Cheapside and Whitecross Street. The new pedestrian street through the residential development will improve linkages to York Place.

Impact on Amenity

- 8.121 Policy QD27 requires the Local Planning Authority to endeavour to protect the amenity of an area and to also ensure the future residents and occupiers of a development have adequate levels of amenity.

Existing Properties - Daylight, Sunlight and Overshadowing

- 8.122 As part of the ES studies were undertaken regarding the impact the development would have the levels of daylight and sunlight received by windows of properties adjacent to the site, and the overshadowing impact on adjacent amenity space. The Local Planning Authority has appointed the BRE to assess this part of the ES. Following concerns raised by the BRE regarding the omission of some neighbouring windows and the sunlight data results, an updated daylight/sunlight assessment was submitted.
- 8.123 The BRE Report 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice' provides guidance on the provision of daylight and sunlight and also on the overshadowing of open spaces.

Daylight

- 8.124 The BRE guidelines state that where the Vertical Sky Component (VSC) to a window is less than 27% and there would be more than a 20% reduction in levels of daylight received, the loss of light would then be noticeable to that room. The guidelines are intended to be used for adjoining properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight. This would normally include schools, hospitals, hostels, small workshops and most offices.

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8.125 The properties which would be most affected in terms of loss of daylight are those at 87 – 96 Trafalgar Street, 1 – 2 Pelham Street and 1 – 2 Whitecross Street. The Trafalgar Street properties back onto the site of the existing surface level car park, and the Pelham Street and Whitecross Street properties are orientated at 90 degrees to the car park. The new College Building would result in a loss of daylight to these windows. The ES predicts that out of 60 windows tested at these properties 32 would fail to meet the BRE Guide for the VSC. The ES does not provide information as to which of these windows are habitable and which are non habitable. The BRE Guide classes bedrooms, living rooms, dining areas and kitchens as habitable. Circulation, storage and bathrooms are non habitable.

8.126 Of the 32 windows which fail the BRE Guide, 17 are considered to be habitable and these are detailed below. This has been assessed using previous planning application floor plans or site visits.

- 87 to 88 Trafalgar Street. This building is in use as three flats and two windows at ground floor, along with one window at first and second floors see reductions in Vertical Sky Component (VSC) of 47.1%, 45.7%, 44.2% and 26.6% respectively.
- 89 Trafalgar Street has a window at second floor which would have a reduction of 37.9% in VCS.
- 90 Trafalgar Street has one window at both first and second floors which see reductions of 34.7% and 27.8% in VSC.
- 91 Trafalgar Street has one window at both first and second floors which would see a reduction of 35.1% and 28.9%.
- 93 Trafalgar Street has one window at both first and second floors which would see a reduction of 23.3% and 20.2% in VSC.
- 94 Trafalgar Street has a window at the second floor which would see 24.0% reduction in VSC.
- The accommodation above 95 Trafalgar Street which is actually part of flats within 1 Pelham Street has a small secondary window to a kitchen which would see a reduction of 21.2% in VSC. There is also a french door to this room which would continue to be within the BRE guidelines. Therefore the small window which fails is considered to be secondary.
- 1 and 2 Whitecross Street both have a window and French door at ground floor level which both serve the living space which would fail the guidelines. At 1 Whitecross Street these windows would see a 24.7% and 23.0% reductions and 2 Whitecross Street would see reductions of 23.2% and 24% in VSC.

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- 8.127 The BRE guidance states that residents will notice the loss of light for windows for those windows which fail to meet the guidance when there is a reduction of more than 20% VSC. The loss of light would be more significant for 87-88, 89 and 90 Trafalgar Street and these windows would see reductions of between 28% to 47% VSC. 93 Trafalgar Street and 1 and 2 Whitecross Street would see reductions of between 20.2% and 24.7% which the BRE have described as a minor loss of light. The secondary window at 1 Pelham Street above 95 Trafalgar Street is not considered to be a main window but in any case would see a reduction of just over the 20% guide at 21.2%.
- 8.128 It is acknowledged that the above windows receive higher levels of daylight than would normally be expected within a built up urban area as they currently face onto the underdeveloped surface level car park. The BRE Guide does not differentiate between properties within dense built up areas and those within suburban or rural areas. There is one standard for VSC for all properties within the BRE Guide. The introduction section of the BRE Guide states that the advice given within the Guide is not mandatory and the Guide should not be seen as an instrument of planning policy. Notwithstanding this, residents will still notice the loss of light for those windows which fail to meet the BRE Guide. Whilst this is regrettable, it is considered that this is outweighed by the public benefits of the scheme.
- 8.129 Some of the windows of the properties which face onto the existing buildings to the east of Pelham Street and Pelham Tower (Foyer Building on Pelham Street, Trafalgar Court properties, 43 -47 Cheapside, 8 to 30 York Place and St Peter's Place,) would see an improvement in the VSC as a result of the demolition of the existing buildings to the east of Pelham Street. Where there is a loss of light to some windows on these properties, this would be within the BRE guidelines.

Sunlight

- 8.130 In accordance with the BRE guidance standard access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south. If the window can still receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months, then the room should still receive enough sunlight. If the available sunlight hours are less than this for either period, and have decreased by more than 20% of their former value, and have a reduction over the whole year greater than 4% of APSH, then this would fail the BRE Guide and the occupants of the building will notice the loss of sunlight.
- 8.131 The BRE guidance also advises that kitchens and bedrooms are less important than living rooms.
- 8.132 There would be no impact on sunlight to properties on Trafalgar Street, Pelham Street, Whitecross Street and Trafalgar Court as the development would be orientated to the north.
- 8.133 Properties which contained windows which were assessed against the sunlight guide include Foyer Place Pelham Street, York Place and St Peter's House, 43 - 47 Cheapside, Blackmore Court and Theobald House. Of these windows the

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ES found that loss of annual probable sunlight hours to all the windows would be within the BRE guidelines. However, 15 of these windows would experience a loss of winter sun which is outside these guidelines and would equate to more than a 20% reduction, and the reduction in sunlight over the whole year would exceed 4% of the annual probable sunlight hours. The BRE has classed this impact as a minor loss of sunlight. Of the 15 that fail only eight are believed to be living rooms and seven of these are at 45 to 47 Cheapside with one located at 44 Cheapside. Again this has been assessed by using previous planning application floor plans or by site visits. Whilst the loss of winter sunlight to these windows is regretted, the windows would still receive overall annual sunlight which is within the BRE guidelines. Whilst the reduction in winter sunlight is regretted, it is considered to be outweighed by the wider public benefits of the scheme.

Overshadowing

- 8.134 A number of amenity spaces of properties on New England Street, York Place and Trafalgar Street were assessed within the ES with regard to the overshadowing impact the development would cause. The BRE recommends that for an amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours sunlight on 21 March. If as a result of new development an existing garden or amenity area does not receive two hours of sun on 21 March and is less than 0.8 times its former value (more than 20% reduction), then the loss of sunlight is likely to be noticeable.
- 8.135 Properties to the south of the application site on Trafalgar Street, Pelham Street and Whitecross Street, would not receive any adverse overshadowing due to their orientation due south of the proposed College building.
- 8.136 Amenity areas to the side and rear of 2 New England Street, rear of 14 York Place and to the rear of 24 to 32 York Place were tested within the ES chapter.
- 8.137 The garden area of 2 New England Street was found to have slightly more sunlight on March 21 as a result of the demolition of Pelham Tower. The rear amenity area to 14 York Place would have more sunlight as a result of the demolition of York Building. The amenity areas immediately to the north of St Peter's House to the rear of 26 and 27 York Place are already significantly overshadowed as a result of St Peter's House and other existing buildings and this would remain unchanged.
- 8.138 The garden of the Hobgoblin Public House and the rear of 27 to 30 York Place have been grouped together in the assessment. However, the shadow analysis shows that the PH garden and 28 to 30 York Place would remain unaffected by the proposed development until 2 to 4pm when a slightly larger area would be overshadowed than currently is with the existing situation. The BRE Guide could still be met for these amenity spaces.
- 8.139 A roof terrace area at 19 York Place has not been individually tested. However, the shadow analysis shows that the removal of the existing buildings would be of benefit to the sunlight received between 1pm to 3pm on March 21 although there may be an increase in overshadowing between 3pm and 5pm.

- 8.140 The amenity areas at the ground floor located to the south of Blackmore Court have not been individually tested. However, the submitted shadow analysis shows that whilst the easternmost amenity areas would suffer more shading at 9am to 10am, from 11am onwards the proposed development would not result in any additional overshadowing and they would still receive sunlight from 11am to 3pm and would therefore meet the BRE Guide.

Existing Residents - Outlook & Privacy

- 8.141 Currently the windows of 87 to 96 Trafalgar Street, 1 and 2 Whitecross Street and 1 and 2 Pelham Street have an outlook to the surface level car park which is also used as a pedestrian route between Redcross Street to Pelham Street during the day.
- 8.142 There would be approximately 4 metres between the side elevation of 2 Whitecross Street and the three storey section of the College Building. On the Whitecross Street elevation the proposed building would be two storeys above ground due to the difference in levels and the ground floor is a basement level in this location. The height of the two storey section of the proposed building would be 9.2 metres. At the rear of 90 Trafalgar Street the land levels would start to drop and there a set of steps are proposed adjacent to the boundary fence. The three storey section of this building would be a height of approximately 12 metres. There would be a distance of between 12.5 to 14 metres to the main rear building line of Trafalgar Street properties. Two vertical windows of narrow width are proposed within the western section of the south facing elevation. On the eastern section of the south facing elevation a larger glazed area is proposed. A condition is proposed to require the glazing at first and second floors to be obscure glazed which should prevent overlooking into the rear gardens and windows on the rear elevations of 87 to 91 Trafalgar Street and 1 and 2 Whitecross Street.
- 8.143 There would be 25 to 26 metres between the rear elevations of 87 to 91 Trafalgar Street and the main south elevation of the section of the building at the ground to sixth floors. The rear elevation of 2 Whitecross Street at the nearest point would be 17 metres away and would be orientated at 90 degrees to this elevation. The seventh floor is set in slightly 1.1 metres from the building line. Due to the differences in height between this section of the building and 1 and 2 Whitecross Street and due to the angle of vision, the opportunity for direct overlooking between the College Building and these properties is considered to be limited. However, on order to reduce the perception of being overlooked to Whitecross Street and Trafalgar Street properties it is considered necessary to also condition that all windows in the south facing elevation to the east of the main entrance are obscure glazed. These windows are all either secondary windows or serve circulation space.
- 8.144 The distance between the proposed College Building and properties at the rear main south facing elevations of 92 to 97 and 1 Pelham Street is between 33.5 to 35 metres. The nearest section of the rear west facing elevation of 2 Pelham Street would be 26 metres and this is orientated at right angles to the rear elevation. It is considered that these interface distances are sufficient for the

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privacy to be maintained to windows. 1 and 2 Pelham Street also have roof terraces at the first floor. The nearest at 2 Pelham Street would be 25 metres from the proposed College Building and it is considered that this is acceptable.

- 8.145 There is an existing mature tree within the car park which does provide some screening for residents at 1 and 2 Pelham Street and 92 to 96 Trafalgar Street. This would be removed to facilitate the public square. However, a row of trees is proposed to be planted in the public square adjacent to the boundary along with a bespoke timber fence. It is considered that these trees would offer some increased privacy to these residents. However, it is considered that the trees would need to be set in slightly from the boundary and that a balance needs to be struck between screening the rear of these properties and not further restricting light levels to windows. The tree planting details and management details will be secured through the Section 106 Agreement and recommended conditions. The noise impact of the public square is discussed later in this report.
- 8.146 The east elevation of Theobald House is approximately 35 metres away from the proposed College Building and it is not considered that the proposal would have an adverse impact on their outlook or privacy.
- 8.147 Properties on the other side of Cheapside would be approximately 17 to 18 metres away from the north facing elevation of the Student Residential Building and this interface distance is considered to be acceptable.
- 8.148 The east facing elevation of the Cheapside wing of Block A would be approximately seven metres from the Hobgoblin pub garden. It is proposed to condition that there are no main windows or balconies on this elevation.
- 8.149 St Peter's House which is to the rear of 24 and 25 York Place is built up to the application site boundary and has main windows and balconies on the north and south facing elevations. On the west facing elevation there is a fire escape which would be approximately 12 metres from the east facing elevation of Block A. Given that the main windows and balconies at St Peter's House would not directly face the east elevation of Block A and would be orientated at 90 degrees to Block A, this interface distance is considered to be acceptable.
- 8.150 Commercial uses are present at the ground floor of York Place properties with residential accommodation located above. Interface distances to the residential elements of 26 to 30 York Place and Block A would be between 30 and 40 metres. The interface distance between the rear elevation of the Hobgoblin Pub and Block A would be over 20 metres. Interface distances to 20 to 23 York Place would be in excess of 30 metres.
- 8.151 18 and 19 York Place are positioned nearer to the boundary and have main windows at the first and second floors which would face onto the east facing elevation of the southern wing of Block A. 19 York Place also has first floor roof terrace near to the site boundary. The east facing elevation of the southern wing would be only 6 and 7 metres away from the boundary at this point and would be a height of four storeys on this end as the fifth floor would be set back.

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It is considered necessary to require at the reserved matters stage when the external appearance and internal layouts are being approved, detailed sections through the building and York Place properties. This will enable the exact location of windows to be assessed individually with regard to their impact on loss of privacy. The scheme could be designed so that there are no balconies or windows at above on the east facing elevation of the southern wing at above first floor level. This should enable the privacy of 18 and 19 York Place residents is protected. 16 and 17 York Place would be located over 25 metres away from Block A.

- 8.152 The eastern building of Block C would be two storeys in height and be positioned only 2.5 to metres from the boundary of the site. Adjacent York Place properties have commercial at ground floor with residential above. 11 and 12 York Place have residential windows in close proximity to the site boundary. 12 York Place has French doors with Juliet balconies at the first and second floors which are positioned less than 1 metre from the boundary. They are currently approximately 7 metres away from the York Building and would be located approximately 5 metres away from the new two storey dwellings. The daylight assessment has shown an improvement in light levels at these windows due to the removal of the taller York Building. The indicative plans show that windows directly in front of the windows of 12 York Place at first floor would serve a communal stairwell and therefore they could be obscure glazed. However, it is considered necessary to require that windows directly opposite 11 York Place are also obscure glazed given the small interface distances. The exact details of the windows will be sought at the reserved matters stage along with detailed section through the proposed building and York Place properties.
- 8.153 The main rear elevations of the other York Place properties (8 – 10 and 13 – 14) would be approximately 11 to 13 metres away. It is considered that first floor windows could either be obscure glazed were they are non habitable or secondary windows or could be oriel style window which would be angled away from York Place properties. Again this will be assessed at the reserved matters stage when external appearance and internal layout are considered.
- 8.154 Block C would reinstate the building line of Trafalgar Court and it is considered that this is a benefit of the scheme. The development is similar in size to that which was proposed as part of the previous 2008 scheme. Subject to the design of the windows on the first floor east facing elevation of the eastern building of Block C, there is not considered to be an adverse impact on the privacy of adjoining residents.
- 8.155 The Foyer Building is directly adjacent to the Trafalgar Building. Block B would be positioned approximately 1.5 metres to the north of the Foyer Building and would project 3.5 metres from the rear. The indicative floor plans show that the scheme can be designed so that there are no main windows on the south facing elevation of Block B. The rear of the Foyer Building is used for car parking and is not an amenity area. It is not considered that Block B would harm the outlook or privacy of residents of the Foyer Building.

Proposed Scheme - Daylight & Sunlight

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- 8.156 The ES has also provided an assessment of the amount of daylight the windows of the proposed development would receive.
- 8.157 The BRE guidance suggests that when assessing daylight provision for new buildings at the massing stage, the following criteria should be used:
- If the Vertical Sky Component (VSC) is at least 27% conventional window design will usually give reasonable results;
 - If the VSC is between 15% and 27%, special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight.
 - If VSC is between 5% and 15%, it is very difficult to provide adequate daylight unless very large windows are used;
 - If VSC is less than 5%, it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed.
- 8.158 The BRE guidance recommends that at least one main window wall for a dwelling should face within 90 degrees of due south and the centre of at least one window to a main living room can receive 25% of Annual Probable Sunlight Hours (APSH) including at least 5% of APSH in the winter months between 21 September and 21 March. In addition the BRE guidance recommends that where groups of dwellings are proposed, site layout design should maximise the number of dwellings with a main living room that meets these recommendations.

College Building

- 8.159 For the proposed College building daylight is more important than direct sunlight. The BRE have commented that for the College Building, Vertical Sky Components are generally reasonable, giving good access to daylight for the majority of locations.

Student accommodation Building

- 8.160 The BRE have commented that the Vertical Sky Component results for the outer facades of this building are also good. However, there would be restricted daylight provision to the lower floors of the windows looking into the internal courtyard. 62 habitable windows (13% of all proposed windows) are predicted to receive less than 15% VSC, which means that very large windows may be needed to provide enough daylight. In cases like this the BRE recommend that the Average Daylight Factor (ADF) for individual rooms is calculated. The VSC is concerned with the amount of daylight the outer façade would receive, where as the ADF is concerned with the way in which the daylight is distributed within the room. BS8206 Part 2: Code of Practice for Daylighting recommends that living rooms should achieve an ADF of at least 1.5% and bedrooms should achieve at least 1%. The ES has carried out an assessment of the worst performing study bedroom using the proposed window and room layout dimensions. The worst performing room is at the first floor of the rear of the Pelham Street block which faces the courtyard. It is directly adjacent to the rear of the Cheapside wing which would also restrict daylight. The ADF calculations show that it possible to achieve an ADF of 1.55%. Therefore, this would meet the minimum recommendation for living areas that 1.5% should be achieved. The area which would be the darkest would be the entrance adjacent to the en-

suite which would be unlikely to be used as a study area. Given that a minimum of 1.5% ADF can be achieved for the study bedrooms it is considered that the daylighting provision to the student building would be acceptable.

- 8.161 It is considered that direct sunlight is less important for the study bedrooms than it is for the communal living areas, especially as computers/laptops are often used for study purposes. 28 out of 54 living rooms would have a main window to the living area which faces within 90 degrees of due south. A further six living areas would have a secondary window to the living area which faces within 90 degrees of due south. However, 20 living areas would face within 90 degrees of due north. The building which is mainly a U shape facing outwards towards north, east and west and the living rooms have been orientated on the front elevations of each street. Whilst living rooms could have been orientated to face south rather than north on the Cheapside elevation, direct sunlight to the south elevation would still be restricted due to the Pelham Street and Cheapside wings of the building and due to the proposed College building. Daylight is also more restricted to these courtyard elevations. Therefore, it is considered appropriate for some living areas to face north, given the constraints of the site and the shape of the proposed building, and as the daylight levels are higher for the elevations which face outwards rather than towards the courtyard.

Residential Buildings

- 8.162 The internal layout and the external appearance of the residential buildings are not under consideration as part of this application. However, the ES does include an assessment with regard to the daylight and sunlight the proposed buildings could receive.
- 8.163 The originally submitted indicative elevations for Building A showed a larger number of balconies on the western facing elevation. The balconies along with the close proximity of the student accommodation building, resulted in very low Vertical Sky Component (VSC) results for this elevation. Following concerns raised by the BRE in their assessment of the scheme, the indicative drawings were amended and a number of balconies were removed. The amended ES chapter shows that 52% of windows would achieve a VSC of 27%, and therefore reasonable levels of light can be achieved with conventional window design. 29% of the windows would achieve between 15% and 27% which would mean that special measures (larger windows, changes to room layout) would be needed in order to provide adequate daylight. 17% of windows (41 windows in total) were shown to have a VSC of between 5% and 15% and therefore it could be difficult to provide adequate daylight unless very large windows are used. These windows were located on the west facing elevation in the middle section at located between ground and fourth floor level. No windows were found to have a VSC of less than 5%. The indicative floor plans show that the majority of the flats would be double aspect.
- 8.164 The worst performing window at the centre of the ground floor on the western facing elevation was tested in terms of the ADF for the room. This was found to be 3.01%, which is above the BRE guide of 1.5% for kitchens and living rooms. A very large window was used in the calculation which may not be appropriate in terms of design or privacy. At the reserved matters stage a detailed daylight

assessment would need to be carried out which would use the submitted external design and floor plans and which would provide an assessment of the VSC and ADF for each window and room. Given that the ADF was found to be 3% with a very large window, it is considered that there is some scope for the windows to be made smaller and for the recommended minimum ADFs to still be achieved. This would need to be tested in detail at the reserved matters stage.

Buildings B and C

- 8.165 Eight windows on Building B were found to have a VSC on between 5% and 15%, which again would mean large windows would be needed to provide adequate daylight. However, the indicative floor plans show that these windows would serve kitchens and are set behind balconies which would limit the amount of daylight received to the window. In addition, the indicative floorplans show that there are other windows to the open plan kitchen/living rooms areas. No windows on Building C were found to be below 15% VSC. The BRE have commented that it should be possible to design Buildings B and C to achieve adequate daylight, as they are less obstructed and are not shown to have large areas of balconies on the indicative plans.
- 8.166 In terms of sunlight, the indicative floor plans have shown that only 9 units out of 123 would not have a main wall which would face within 90 degrees of due south. The majority of Building B has an aspect north, due to its close proximity to the Foyer Building which is sited to the south. However, the indicative floor plans have shown that the layout could be designed to that living rooms/kitchens face east and west, bedrooms face north and bathrooms and stairwells would face south. The BRE have commented that this is a sensible approach.
- 8.167 In terms of the Annual Probable Sunlight Hours, the indicative floor plans show that the majority of the windows on the western facing elevation of Building A would not meet the 25% guide for APSH. The ASPH for windows on the rear elevation of Building A are higher and the majority meet the 25% guide. The living areas could be located at the rear rather than the front, however, that may not be preferable in terms of noise from Pelham Street. A solution may be to have balconies at the rear accessed from bedrooms, which would receive more sunlight (although only the in the morning). This would need to be considered in more detail at the reserved matters stage.
- 8.168 The windows on Building B which face east and west were tested for sunlighting. As was the case with the VSC results, it was the windows which are set behind the balconies which would fail to meet the 25% guide for APSH. Given that the indicative floorplans show that there other windows which serve the living rooms/kitchens and that the sunlight to these windows would meet the BRE guidelines, the sunlighting to this building is considered to be acceptable.
- 8.169 The windows on the western facing elevation of both buildings which form Block C would not meet the APSH guide of 25%. Some of the ground floor windows on the eastern elevations would also not meet the guidelines. However, the majority of the windows that fail the 25% guide are still over 20% so they would only marginally fail.

- 8.170 The BRE have commented that the majority of the rooms in the new residential buildings face east or west and therefore receive some sunlight, even if most do not meet the BRE guidelines.
- 8.171 The College Building would receive adequate daylight. The ADF calculations for the student residential building have shown that all study bedrooms would meet the minimum recommended guide of 1.5%. Where possible communal living rooms have been designed to have an aspect which faces within 90 degrees of due south, however, it is noted that given the shape of the building it is not possible for all living areas to face 90 degrees of due south and to receive the recommended sunlight hours. The ADF calculations for the residential units will need to be assessed at the reserved matters stage and a judgment may need to be made which balances the daylighting needs of future residents with privacy and design considerations. The indicative floorplans have shown that the scheme can be designed to maximise the number of residential units which have a main wall which faces 90 degrees of due south. However, it is recognised that it would be difficult for all of the units to meet the guide for sunlighting. However, given the application site's location within the City Centre, it is considered that it is reasonable for the development to not meet all of the guidelines within the BRE's 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice'.
- 8.172 The proposed open spaces within the development have been tested in terms of the amount of sunlight they would receive on the equinox (21 March). This has shown that the square to the south of the College, the residential square, the shared residential amenity space to the rear of Building A and the student accommodation courtyard have all been tested with regard to the BRE standard that at least half a space should receive at least two hours of direct sunlight on the 21 March. The BRE have commented that sunlight to three of these spaces would clearly meet the guideline, however, for the fourth, which is the student courtyard, is borderline. This courtyard would be heavily obstructed by the east and west wings of the student accommodation building itself and also by the proposed College Building. Large sections of the space would receive direct sunlight on the equinox but only between approximately between 11am and 1pm. Prior to 10am and after 2pm, the majority of the courtyard would be in shade.

Future residents – Outlook and privacy

- 8.173 The conditions proposed for obscure glazing to prevent overlooking to York Place properties will also have the dual function of protecting the privacy of future residents of Blocks A and C. The indicative floor plans have shown that the residential units can be accommodated within Block C which would receive adequate outlook as it can be designed so that there are not any main windows on the south facing elevation which is adjacent to the Foyer Building. Care will need to be taken with the exact positioning of the balconies on the east facing elevation so that they do not cause overlooking to the amenity space of Block C. It is considered that these balconies could be located further to the north of the elevation than that which is shown on the indicative floor plans, and this would reduce overlooking. It is considered that the internal layout and the external

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elevations of the residential buildings can be designed so that residents have adequate levels of privacy and outlook and this will be assessed in detail at the reserved matters stage.

Future residents - Amenity space provision

- 8.174 Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development.
- 8.175 There would be limited amenity space provided for the Student Residential Building and this would received limited direct sunlight in winter months, although it does just meet the minimum BRE standard for sunlight to amenity areas. The usable amenity space would measure 18.5 by 15 metres. It is recognised that this is a small area for 442 students.
- 8.176 The balcony provision of Block A will need to be assessed in detail at the reserved matters stage due to the implications of balconies on the west facing elevation and daylighting levels received to the windows behind and also with regard to privacy. It is therefore anticipated not all units within Block A would have their own balcony. However, there are considered to be parts of the east facing elevation where balconies could be incorporated. As the top floor would be recessed, it is anticipated that units could have access to a roof terrace area. The indicative floor plans indicate that ground floor units of the southern wing of Block A may be able to have their own small areas of amenity space. The indicative plans show that balconies could be accommodated on the south facing elevation of the southern wing which would add to the natural surveillance of this new access route. There is also a shared amenity area to the east of the car parking area for residents of Block A.
- 8.177 The indicative floor plans have shown that balconies can be incorporated into the design of Block B so that each unit could have their own balcony. All of the ground floor units of Block C would have some private ground floor space. A residential square is also proposed adjacent to Block C.
- 8.178 It is considered that a mixture of shared and private amenity space could be provided for the residential units which is deemed to be acceptable for a built up area within the City Centre.

Future residents – refuse collection

- 8.179 Indicative details have shown that refuse storage would be located below the undercroft of Block A and adjacent to the shared amenity area along the eastern boundary. Refuse storage is also proposed to the south of the new access route to York Place adjacent to the residential square. It is not considered that refuse storage would be acceptable visually adjacent to the residential square. However the number of bins shown on the indicative plans (34) is above the number recommended by City Clean for a development of this size (25). Therefore it is considered that the number of bins near to the residential square could be reduced significantly.

8.180 City Clean have indicated that if the refuse is collected weekly from the student residential development then a larger area would be needed. There is room directly adjacent to the internal refuse store where this area could be extended if necessary, it is proposed to secure exact details by condition.

8.181 Accessible Housing and Lifetime Homes

Policy HO13 requires that 5% of private units are wheelchair accessible and 10% of affordable housing units are wheelchair accessible. Based on 125 units being provided on site with 20% affordable housing provision this would equate to 8 wheelchair accessible units. Conditions requiring that all units are designed to meet lifetime homes standards and that 5% of private and 10% of affordable units are fully wheelchair accessible are proposed.

The indicative layouts have been amended so that cycle parking is proposed below the ground floor at the rear of Block A. The indicative floor plans show that internal stairs are proposed from the external ground area to the ground floor level of the units. This is not acceptable in accessibility terms and would need to be addressed at the reserved matters stage.

Noise & Vibration

8.182 Noise or disturbance resulting from the use of a development including the proposed hours of operation is a material planning consideration. Problems arising from the construction period (noise, dust, construction vehicles and hours of working) are not considered to be material planning considerations and are covered by the Control of Pollution Act (1974) and the Environmental Protection Act (1990). However, this application is accompanied by an Environmental Statement which includes an assessment of construction impacts. These construction impacts fall to be considered in the context of EIA Regulations.

8.183 The NPPF (paragraph123) states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

8.184 Policies SU9 and SU10 of the Local Plan seek to ensure that development is not permitted which would cause a noise disturbance to occupiers of adjacent or proposed buildings. The ES includes an assessment of the impacts arising from noise and vibration during the construction phase and when the site would be operational.

Construction Impacts

- 8.185 Residents living near to the site boundary along with students and staff of the College, and future residents of the development would be exposed to construction noise. Other potential construction impacts are vibration and dust. Although the total build period would span some 4 to 5 years, there would be various phases of the demolition and construction which would be noisier than others. The exact type and numbers of construction plant which would be used, their location and the length of time they are in operation, has not been finalised at this stage. A contractor (Osborne) has recently been appointed to construct the College and student residential buildings, however the construction programme is believed to be at the early stages of development. A contractor has not yet been appointed for the residential scheme. It is not uncommon for the exact details of the construction programme to have not been finalised when dealing with a planning application which is accompanied by an ES. Therefore an estimation of the likely effects of noise, dust and vibration has been included within the ES. It is considered that the noisiest events would be the demolition and site clearance and then the excavation, piling and construction of the buildings.
- 8.186 The following British Standards set out guidance for construction noise and vibration:
- BS5228-1:2009: Noise and vibration control on construction and open sites: Part 1 Noise and Part 2 Vibration;
 - BS7385:1993 Part 2 Evaluation and measurement of for vibration in buildings - Guide to damage levels from groundbourne vibration; and
 - BS6472-1:2008: Guide to evaluation of human exposure to vibration in buildings.
- 8.187 The Legislative background to the statutory controls over noise and vibration is set out within Annex A of BS5228-1:2009 which describes the two main ways of controlling noise and vibration as being:
- a) enforcement action to prevent or secure the abatement of a statutory nuisance under Part III of the Environmental Protection Act 1990 (Sec 79 & 80); and
 - b) use of specific national legislation to control noise and vibration from construction sites and other similar works (in England this is sec.60 and 61 of the Control of Pollution Act 1974).
- 8.188 The latter is the Council's preferred approach as it requires the developer to gain a 'Section 61 Consent' with the Council, and identify working hours, thresholds for noise and vibration limits, specific plant and mitigation measures for each different phase of demolition and construction. The ES includes a commitment from the applicant to ensure the developers/contractors would gain a Section 61 Consent from the Council.
- 8.189 Under the provisions of the Control of Pollution Act 1974 there is a defence of 'best practicable means' and this is defined in section 72 of the Act. In that

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expression “practicable” means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications. The means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and acoustic structures.

- 8.190 It shall also have regard to safety, and safe working conditions and any emergency of unforeseeable circumstances
- 8.191 The ES identifies the development as having two main phases. Phase 1 which is the College building and Phase 2 which is the student and residential buildings. The timeframe for Phase 1 has been estimated as being 84 weeks and Phase 2 has been estimated as being 112 weeks. The student and the residential buildings would need to be built concurrently for the timescale of 112 weeks to be achieved. This would be a total construction period of just under 4 years. If the student building is complete prior to work commencing on the residential buildings then it is considered that this could add approximately 70 weeks onto the programme and the total build period could be just over 5 years.
- 8.192 Following comments received from Environmental Health, the Noise & Vibration Chapter of the ES has been amended a number of times with the latest version being received on the 31 October 2013. Environmental Health Officers are now satisfied that the construction impacts can be controlled through S.61 Consents.
- 8.193 Sensitive receptors include properties on York Place, Trafalgar Street, Cheapside, Pelham Street, Whitecross Street and Theobald House. Different properties will be affected most by different stages of the development. For example, properties on Whitecross Street, Trafalgar Street and Pelham Street would be most impacted by the development of the proposed College building. However, once built, the College building could act a buffer to those properties to the south when the student building is under construction. The College itself is also a sensitive receptor as are the future occupiers of the student building if development of the residential element is not carried out at the same time as the student building.

Noise

- 8.194 Baseline noise monitoring was carried out in order to set thresholds for construction noise in line with the guidance contained within BS5228-1:2009: Part 1. The background noise survey along with the thresholds will be used to use to set maximum noise levels within the Section 61 Agreements.
- 8.195 The ES includes a table which is taken from BS5228-1:2009 and includes the upper noise limits for a variety of different construction activities for a working day (LA_{eq}). The table is a useful tool to allow predictions to be made for construction noise and such predictions will be features in the future Section 61 Agreements. The noise levels taken from BS5228-1:2009, are noise estimates for when the construction activities are carried out with no mitigation. The noise levels show that in order to achieve acceptable noise thresholds for the

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adjoining area, mitigation will be needed and this will be addressed through the Section 61 Agreement.

- 8.196 The ES has estimated that piling for the College Building could last up to 20 weeks. This would take place at various positions within the site. The ES recommends that where possible piles should be constructed using Continuous Flight Auger (CFA) techniques as this does not involve the application of rapid forces onto the piles and therefore into the ground, which has been found to significantly reduce the levels of vibration and noise.
- 8.197 BS5228-2:2009 and BS6472-1:2008 contain guidance on vibration standards and the ES predicts that vibration levels will fall within acceptable thresholds. The applicant has committed to baseline and real-time vibration monitoring at key stages such as piling and the Section 61 Agreement will also require this.
- 8.198 It is recommended that a Construction Environmental Management Plan (CEMP) is secured through the Section 106 Agreement. The CEMP would set out the broad principles for construction, while the individual activities would be covered in more detail by the Section 61 Consent. As consent Section 61 of the Control of Pollution Act (1974) is voluntary, it is also recommended that the Section 106 Agreement requires the developer gain a Section 61 Consent.
- 8.199 The ES identifies the overall hours of work as being Monday to Friday 8am to 6pm and Saturdays 9am to 1pm with no construction activities to be carried out on Sundays or Bank Holidays. These hours are consistent with those that the Council would normally secure through a Section 61 Consent. There may be rare occasions when work needs to be carried outside of these hours, however this would need to be first assessed and approved by the Council's Environmental Health.
- 8.200 The 'Section 61 Consent' will ensure the developer has due regard to the best practice detailed in the BS5228, BS7385 and BS6772. It will include conditions related to maximum noise and vibrations levels for different activities, hours of working, best practical means, the exact plant and equipment to be used and their location on site and the hours within a working day that plant will be operational for. Mitigation measures such as acoustic hoarding/fencing would also need to be specified. Noise levels and when appropriate also vibration levels, would also need to be monitored as part of the 'Section 61 Consent'. The Section 61 Documents will be formulated having regard to the evidence and findings of the Noise and Vibration Chapter of the ES. Under the Control of Pollution Act the S.61 Consent is an enforceable document and if breaches do occur then the Council can take enforcement action in line with the Council's enforcement policy.
- 8.201 The ES has indicated that the applicant would inform the Council and neighbours in advance of the construction activities which could generate high levels of noise and where possible these will be undertaken during periods where the existing ambient noise levels are higher.

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- 8.202 As with other major developments within the City, it is also recommended that the developer holds monthly liaison residents meeting unless otherwise agreed between the parties, so that any issues arising from construction activities can be discussed between the developer and local residents. It is also recommended that this is secured through the Section 106 Agreement. In addition, through the CEMP the developer will also need to identify their complaint handling systems. The CEMP will also need to identify construction routes and hours of vehicle movement to and from the site.
- 8.203 An Outline Construction Methodology has been submitted by Osbornes which provides a commitment for a strategy which includes open/public meetings, pre-start and regular newsletters, progress/display boards, use of social media, availability of staff contact details, and site surgeries for neighbours. The Outline Methodology also gives details regarding site access, hoardings, car parking, and of a future Delivery Plan.
- 8.204 During construction of the College Building the proposed site access is envisaged to be via Whitecross Street using the existing entrance to the car park until a temporary access has been built further south on Whitecross Street. It is envisaged that the three storey section of the building will be built last which will enable this area to be used as a construction route. All construction traffic would access and leave the site via Cheapside and not Trafalgar Street.
- 8.205 The Outline Methodology has predicted the number of HGVs to peak at 16 in and 16 out which would be for the anticipated three week period of bulk excavations during substructure works and also on an average of two days per week over the four months of the six month superstructure construction period. The vehicle movements would be adjacent to 2 Whitecross Street for part of the construction period of the College Building. Mitigation is proposed in the form of acoustic hoarding.
- 8.206 The Outline Methodology includes reference for a Delivery Plan which will include delivery times and the need to establish a holding area away from site so that delivery vehicles can be called in when required. Further details regarding this will be secured through the CEMP. The Methodology also includes information on parking and states that construction workers will not be permitted to park on site and will be encouraged to travel to the site by public transport, or by organised minibuses, and that the use of park and ride will be explored. Again, further information regarding parking and possible park and ride for construction workers will be secured through the CEMP.
- 8.207 Circular 11/95 recommends that planning conditions which duplicate the effect of other legislation should generally not be imposed. It is considered that the method for minimising the noise and construction impacts is best secured through the CEMP and the Section 61 Consent(s). The CEMP will set out the board principles while the Section 61 consent will require that the developer agrees to set limits for noise and vibration, carries out noise and vibration monitoring, works within set hours, uses best practical means and certain plant and machinery and implements certain necessary mitigation measures.

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8.208 The construction impacts will differ from phase to phase and for each activity within a phase. It is considered that the most appropriate method to control and mitigate the impacts is through the CEMP and the Section 61 Agreements which will allow for a detailed assessment to be made for each particular activity and key parameters for noise and vibration levels, exact times of working, best practical means, and selection of plant and mitigation measures to be agreed.

Operational Noise

8.209 Operational noise that could impact on surrounding residents/occupies include noise which could arise from the uses of the buildings and the open spaces within the development, operational plant and machinery, and traffic noise including deliveries.

8.210 Subject to securing a final Management Plan for the Student Accommodation Building, it is considered that the new uses (residential and student accommodation) are appropriate in terms of their location.

8.211 The Draft Management Plan for the student building has been discussed in detail earlier in this report. All details within this Draft Management Plan are draft and must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development.

8.212 Residents have also raised concerns regarding existing late night disturbance within the North Laine and have significant concerns regarding the impact an additional 442 students will have on the area. Whilst this is recognised, it will be extremely difficult to identify the individuals causing the noise disturbance in streets away from the development, and establish whether or not they are students who reside at the Pelham Street student accommodation. The Management Plan will need to raise awareness of the impact certain behaviour can have and should be effective in controlling noise from the building itself and from people coming and going. Whilst it could influence behaviour, it is considered that it would not be possible through planning conditions or the Management Plan to directly regulate and control behaviour on streets away from the site.

8.213 A Draft Management Plan Framework has also been submitted for the square to the south of the College Building. This states that the College would be responsible for the on-going operation and day to day management of the square including security during normal opening hours of the College (6am to 9pm Monday to Friday). Day to day uses within the square will be primarily related to the operation of the College including an outdoor seating area to the restaurant. Potentially the square may be used for organised activities such as market activities or performances. However, these would be restricted to no more than 28 days a year and within the hours of 7am and 9pm. Any activities would need to be first agreed with the Council and the proposed Public Square Steering Group.

8.214 It is proposed that the Steering Group would consist of the College, Student Accommodation Management Team, the Council, resident and community groups including the Pelham Square Residents Association, North Laine

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Community Association and Traders Association, as well as Sussex Police. According to the Draft Framework the Steering Group would be responsible for the preparation of a Public Square Management Plan and Activity Plan. Some residents have stated that they do not wish to be responsible for the day to day management of the square. It is considered that the Steering Group may act better as more of a forum/liaison group so that residents can raise any concerns and ideas, and that their role would be to have an input into what activities could be held in the square rather than be concerned with the day to day management and production of a Management Plan.

- 8.215 Whilst the events within the square could be managed in terms of noise, a number of concerns have been raised by local residents regarding late night noise and disturbance and anti-social behaviour as a result of people congregating in the square. The College security would not be present 24 hours a day and would only normally be present 7am to 9pm Monday to Friday. The Draft Framework has indicated that CCTV would be installed within the square and that this would be connected to the Council's CCTV system and could be monitored by the security staff within the student building. However, this would not be acceptable in terms of security. There needs to be 24 hour security of the square, either through a separate security company or through an agreement with the security staff of the student residential building. The College have now committed to install two pan and tilt cameras within square and also to fund 24 hour security by contracting to a 24 hour security company. Further details will be secured through the Section 106 Agreement.
- 8.216 Residents have also requested that the square is gated after 9pm at night. This would not be preferable in terms of urban design and permeability. However, it is recognised that the management of the public square is something that will require continuous monitoring and liaison once it is operational so that if late night noise and disturbance is a problem, even with 24 hour security, then security measures can be re-assessed. It is recommended that a detailed Management Plan is secured through the Section 106 Agreement.
- 8.217 Following comments from Sussex Police and local residents, it is now proposed to gate the access route which links Whitecross Street to the public square and this will be locked at night. It is also proposed to secure this through the Section 106 Agreement.
- 8.218 A new residential square is proposed as part of the residential development which would be overlooked by residential properties. The use of this would also need to be monitored as part of the regular Steering Group meetings, however, it would not be used for organised activities.

Plant/Machinery

- 8.219 The ES has been updated and indicative details have been shown with regard to the location of plant on the rooftop of the proposed College Building and the hours of operation. This would include air handling and condensing units and air source heat pumps ventilation. Screening is proposed to the rooftop plant. All plant for the kitchens would be accommodated on the roof and there would be not be any plant for the kitchens located on Whitecross Street. A sub-station

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is proposed to the south of the College building which would be fully enclosed within a building.

- 8.220 All plant for the student building would be located within a plant room at ground floor and is likely to involve air moving plant for the bathrooms and plant associated with the ground floor uses (small kitchen and gym). Mitigation in the form of acoustic insulation is proposed.
- 8.221 The Council's Environmental Health department are now satisfied that noise from operational plant is capable of meeting the Council's noise standard which is a requirement that all site plant when running cumulatively is 10dB below background levels when calculated at 1 metres from the façade of the nearest existing noise sensitive premises.

Servicing/deliveries

- 8.222 A lay-by is proposed on Whitecross Street and it is proposed that this would be used for deliveries and refuse collection for the College Building. Refuse collection would occur from Pelham Street for the Student building. Currently deliveries for the College occur from 6am. However, the applicant has agreed to the hours of deliveries of between 7am and 7pm which is considered to be more appropriate.
- 8.223 Subject to the condition to control hours of deliveries and collections, it is not considered that they would result in a significant adverse impact on surrounding properties.

Proposed Residents/Occupiers

- 8.224 Road traffic is the dominant source of noise affecting the site. A number of BS documents specify noise levels for different buildings. These are detailed below:
- BB93/101: Department for Education 2004: Building Bulletin 93: Acoustic design in schools;
 - BS8233 1999: Sound Insulation and Noise Reduction in Buildings – Code of Practice;
 - World Health Organisation (WHO) 2000: Guidelines for Community Noise.

College Building

- 8.225 The ES has shown that in order to achieve the noise standards within BB93/101, the building would need either mechanical ventilation or acoustically attenuated natural ventilation. Indicative designs for ventilation by way of acoustically treated louvers have been submitted. It is therefore considered that noise limits within the building would be acceptable for its usage as teaching accommodation and a condition is proposed to secure the exact details of the ventilation to be agreed.

Student Residential Building

- 8.226 The ES has predicted the internal noise levels for this building and has compared them against the standards within BS8233. These calculations have shown that rooms on the elevations which face a street would need upgraded

thermal double glazing in order to achieve the indoor ambient noise level of 30dB(A). Elevations which face onto the courtyard would need standard thermal double glazing to meet the standard. However, on all elevations, if windows are open then this threshold would be exceeded and therefore additional mitigation is also needed in the form of attenuated ventilation which the ES has suggested would be high performance acoustic trickle ventilators located in the window frames. It is proposed to secure the exact details by condition. It is envisaged that the windows would still be opening and would not be fixed shut. However, the installation of attenuated ventilation would give future residents a choice over how they ventilate the rooms.

Residential Buildings

- 8.227 The ES has also predicted that a mixture of standard thermal and upgraded thermal double glazing would be required and additional mitigation in the form of attenuated ventilation would be required. This would be assessed in further detail at the reserved matters stage when the external appearance would be considered.
- 8.228 The ES has also shown the noise levels for the proposed balconies would be within the range of 60 to 67 dBA $LA_{eq(16HR)}$ which is significantly above the guideline of 55dBA $LA_{eq(16HR)}$ recommended within the WHO Guidelines. This is without any mitigation in the form of acoustic screening. Given the site's location and the baseline noise levels, it is recognised that these standards for noise within amenity spaces are likely to be exceeded. A condition is proposed to require the submission of a further acoustic report and necessary mitigation measures at the reserved matters stage when the internal layout, location of balconies and external appearance would be assessed in detail.

Transport

- 8.229 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. Policy HO7 will permit car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the proposed development will remain genuinely car free over the long term.
- 8.230 A Transport Assessment (TA) has been submitted as an appendix to the ES. The Council's Sustainable Transport Team has no objections subject to conditions and the S106 Agreement.

Pedestrian Access

- 8.231 The scheme is considered to enhance pedestrian access both to and through the site though the opening up of a route from Redcross Street to Pelham Street and to York Place via the archway. A pedestrian route though Trafalgar Court is also proposed. Public realm improvements are proposed along Pelham Street, Redcross Street, Whitecross Street and Cheapside. Pelham Street will operate as a shared space similar which should discourage vehicle trips. Bollards or

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other infrastructure such as planters will prevent vehicular access to the new route to York Place and also from Trafalgar Court.

- 8.232 There is room for a footway either side of the carriageway on Pelham Street, as whilst this would operate as a shared space the Council's Sustainable Transport Team would prefer to have a delineated area of footway to either side of the carriageway. This can be delineated through the choice of different materials, raised elements or through drainage channels etc.

Cycle Parking

- 8.233 SPG 4 Parking Standards specifies the minimum cycle parking standards for the scheme as follows:

College: 51 spaces;

Student Residential Building: 147 spaces;

Residential: 125 spaces for residents and 42 for visitors.

- 8.234 The applicant has increased the amount of cycle parking for the proposed College Building and this equates to 48 secure cycle parking spaces in the area between the College Building and the Student Residential Building and eight spaces within the public realm and this meets the requirements of SPG4.

- 8.235 80 Sheffield stands (160 spaces) are proposed within the Student Residential Building, and although the Council's Sustainable Transport Team would have preferred to see more cycle parking, the provision is over the minimum standard required in SPG4.

- 8.236 For residential building A the indicative plans show that 48 sheffield stands (96 cycle parking spaces) at the lower ground level under the building. The indicative plans show that 101 units could be accommodated within this building, therefore the parking standards fall short of the minimum standard by 5 spaces. The cycle parking doors only appear to be 1 metre in height. This may work if the applicant is proposing cyclepods.

- 8.237 For Block B, similar cycle parking is proposed in the undercroft of the building on the eastern side. For Block C the indicative drawings indicate vertical cycle parking within the buildings, which is not acceptable. Sheffield stands would be accommodated within Pelham Street and the new pedestrian routes.

- 8.238 It is proposed to secure cycle parking details at the reserved matters stage which must be in line with the minimum numbers specified in SPG4 and must comply with the guidance within Manual for Streets.

Disabled Parking

- 8.239 13 disabled parking provision for the residential scheme is proposed to the rear of Building A. The spaces have been amended so that they accord with national guidance and they meet the requirements of SPG4.

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- 8.240 Six disabled parking spaces are proposed on Pelham Street for both the College and the Student Residential Accommodation. The Sustainable Transport Team have commented that this is not ideal as they would not be for the sole use of the College or the Student Residential Accommodation Building, as any vehicles with a blue badge permit may park within the spaces. However, the Sustainable Transport Team have commented that they do not object to this provision, especially as blue badge holders may park for free in pay and display bays or shared resident and pay and display bays, other disabled bays in the area, or on single or double yellow lines for 3 hours where it is safe to do so and there isn't a loading ban in force.

Car Parking

- 8.241 There are currently 118 spaces within the surface level car park which are for staff. The applicant is proposing a car free development where the only spaces provided are disabled spaces for the residential development. In order to require that the both the student and residential developments are genuinely car free it is proposed to secure, through the Section 106 Agreement, that future residents are not eligible for a residents parking permit. It is considered that this would meet the criteria of policy HO7 of the Local Plan.
- 8.242 The Sustainable Transport Team do not consider that the removal of the staff car park would result in overspill car parking in the surrounding streets as the site is within a Controlled Parking Zone. As the site is within a highly sustainable location, very near to Brighton Station and within an area well served by bus services, there is no objection to the loss of the car park.

Motorcycle Parking

- 8.243 It is proposed to relate the existing motorcycle parking which is on Pelham Street to Whitecross Street.

Servicing

- 8.244 The number and type of deliveries and refuse collection for the College Building should not differ from the existing situation, however it would occur from the proposed lay-by on Whitecross Street rather than Pelham Street.
- 8.245 Servicing for the Student Residential Building would also occur from Whitecross Street but refuse collection would be via a smaller lay-by on Pelham Street.
- 8.246 Refuse collection would occur from Cheapside and Pelham Street for the residential development. The bollards on Trafalgar Court and to the west of the new route to York Place would therefore have to be collapsible.
- 8.247 The servicing and delivery arrangements are considered to be acceptable in principle and it is proposed to secure a detailed Delivery and Servicing Management Plan through the S106 Agreement for each phase of the development. It is also proposed to restrict the times of delivery/servicing for the College and Student Residential Buildings by condition.

Trip Generation

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- 8.248 The TA forecasts that the student and residential development would result in an increase in total person trip generation. Therefore a contribution towards improving the sustainable transport infrastructure in the immediate area surrounding the site is sought. This would equate to a contribution of £204,900 for the student residential development and £51,300 for the residential development.

Student Move in/Move Out Strategy

- 8.249 A draft Student Move in/Move Out Strategy has been submitted. A welcome pack will be sent to students which will identify public transport and the close proximity of the site to Brighton Station. Those students who will be dropped off/picked up by car will be allocated a specific day and time. The loading bay on Pelham Street and Whitecross Street can accommodate 6 vehicles. If a ten minute slot is allocated then it is anticipated that over a weekend 360 students could be accommodated in this way (81% of students). However, pick up/drop off usually occurs over a longer period of one week. Areas at the ground floor will be allocated for the dropping off of belongings, which will be monitored by security. Parents would then be encouraged to park in the car park on Whitecross Street under Theobald House.

Junction treatments

- 8.250 The applicant has indicated that they would fund entry treatments at the junctions of Trafalgar Street with Redcross Street and Pelham Street. The entry treatment at the junction of Pelham Street with Cheapside would also be improved.

S106 Agreement/S278 Highways Agreement/Conditions

- 8.251 It is proposed to require the applicant to enter into a S278 Highways Agreement in order to secure the exact details of the public realm improvements on Pelham Street, Redcross Street, Cheapside and Whitecross Street and for the junction entry treatments and all other highway works on adopted highway. The exact details of the non adopted highway works which include the route through to York Place and from Trafalgar Court would be secured through the Section 106 Agreement. It is also proposed to require that the applicant enter into a Walkway Agreement for both the public square and the new route to York Place which is a separate legal agreement and will include details of public access requirements. As previously mentioned in this report the Section 106 Agreement will also include requirements that residents (including students) are not eligible for a residents parking permit and to secure a management plan for deliveries. Cycle parking will be controlled through conditions and through the reserved matters application.
- 8.252 Subject to the Section 106 Agreement and the proposed conditions it is not considered that the proposal would have an adverse highways impact.

Construction

- 8.253 The TA predicted that there would be a maximum of 40 HGVs movements per day during the construction period. Since the production of the TA this has been assessed in more detail by the appointed contractor and is estimated as being 32 per day. Construction vehicles would use Cheapside rather than Trafalgar

Street. It is proposed to secure the construction routes through the Construction Environmental Management Plan (CEMP).

Wind Environment

- 8.254 Policy QD2 of the Local Plan seeks to ensure that spaces created around buildings should be satisfactory enclosed and should be functional and attractive to the intended users. The functionality of a development is related to the microclimate created by the development relative to the desired pedestrian use within and around the buildings proposed. The construction of new buildings has the potential to alter local air movement and cause adverse wind conditions, including turbulence and funnelling which can affect both pedestrian comfort and safety.
- 8.255 The ES includes a chapter regarding the proposed wind environment within and immediately surrounding the site. Following concerns raised by the BRE regarding the original wind assessment, a completely new wind assessment using a wind tunnel was completed. This has been independently assessed by the BRE who have stated that they believe that the wind tunnel work is reasonable and that there are no errors in either the test methodology or in the analysis process.
- 8.256 The Lawson Criteria are commonly used to assess wind conditions. There are two different Lawson Criteria standards, one for Pedestrian Safety and one for Pedestrian Comfort. For Pedestrian Comfort the wind assessment has used the Lawson Dockland Criteria rather than the 1980 Lawson Criteria. Whilst these are similar, they are not exactly the same. However, the BRE have commented that the differences are so small for practical purposes this is unimportant.

Pedestrian Safety

- 8.257 The pedestrian safety criteria is concerned with 'General Public Access' and a distress criteria which can only be exceeded less often than once per year (15 m/s and a gust speed of 28 m/s). This is intended to identify wind conditions which less able individuals may find physically difficult. Conditions above this criteria may be acceptable but only when there is not general public access. There is also an able bodied pedestrian safety criteria which is 20 m/s and a gust speed of 37m/s (only to be exceeded less often than once per year).

Pedestrian Comfort

- 8.258 There are four standards which are related to acceptable wind conditions for various activities which are listed below:
- Long term sitting: Reading a newspaper, eating and drinking;
 - Standing or short term sitting: Bus stops, window shopping and building entrances;
 - Walking or 'strolling': General areas of walking and sightseeing;
 - Business walking: Areas where people are not expected to linger.
- 8.259 The ES states that within Brighton the westerly winds are the most frequent and strongest winds at all times of the year and although these are relatively warm and wet they are likely to cause the most cases of serious annoyance due to

strong winds around buildings. South-west winds are the second most common followed by north-east winds, the latter are often associated with cold conditions and can be more unpleasant due to their lower than average air temperature. Winds from the north-west are cold and can bring snow in winter, and can be as strong as the south-west winds but are less frequent. South-east winds are generally warm and light and are rarely associated with annoying ground level winds.

- 8.260 The ES Chapter makes an assessment of the significance of any change in wind conditions, and also if the wind conditions are suitable for the intended usage.

Existing Wind Conditions

- 8.261 The existing wind conditions were first tested. The pedestrian comfort criteria for General Public Access was found to be not exceeded. Whitecross Street and Cheapside were found to be suitable for a mixture of standing and strolling, with standing conditions around the podium of Pelham Tower. The podium was found to be beneficial to the wind conditions at street level as it disperses the strong wind deflected downward by the tower before it reaches street level. Conditions at the north end of Pelham Street were found to be suitable for strolling with the section adjacent to the Trafalgar Building being less windy and suitable for standing. The western section of the south end of Pelham Street is suitable for strolling. Redcross Street is suitable for standing with the southern end of the car park suitable for sitting and the rest of the car park being suitable for standing.

Proposed Wind Conditions

- 8.262 The pedestrian comfort criteria for General Public Access was found to be not exceeded.

College & Square

- 8.263 The College building is exposed to the prevailing winds, however, the three storey section of the building in the south west corner is considered to be beneficial as it would block the prevailing westerly winds from funnelling into the square. Wind conditions at the entrances to the College Building are either suitable for standing or sitting which is acceptable for their usage.
- 8.264 The wind model included two small mitigation screens for the public square which were 1.8 metres long and 1.5 metres high. It is envisaged that these would be clear and public art would be incorporated within the design. The most sheltered part of the proposed square was found to be the north west corner. This area would be utilised as a small outdoor seating area for the restaurant. The wind tunnel exercise found that this area would be suitable for sitting during summer months. It was found to be suitable for standing during the worst case winter months, however, given that people are less likely to sit out for prolonged periods during the winter this is considered to be acceptable for its usage. The rest of the square was found to be a mixture of standing and sitting, with only one reading being suitable for strolling in the winter months. Conditions were improved behind the small mitigation screens. It is considered that there would

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be a mixture of standing and sitting within the square and therefore the wind conditions are suitable for its usage.

Student Accommodation Building

- 8.265 The courtyard would be sheltered and would be suitable for sitting which is acceptable for its proposed usage. The conditions around the main entrance on Pelham Street would also be suitable for sitting which is more than acceptable for its usage. A secondary entrance is discussed in more detail under the Whitecross Street section.

Area between College and Student Accommodation Buildings

- 8.266 A 2 metre high solid gate on Whitecross Street was included within the wind tunnel model. The assessment found that this was beneficial to the wind conditions as it provided some shelter from the prevailing winds. The wind conditions would be suitable for standing. This area would be used as a cycle parking area and the wind conditions are considered to be more than acceptable for its usage.

Whitecross Street

- 8.267 The wind conditions in Whitecross Street were found to be affected by the proposed College Building. Two trees were included within the model which would be need to be removed to facilitate the proposed by lay-by. The ES considered that this would affect the immediate wind conditions, however, they would still be suitable for strolling. For the worst case winter months this street was found to be suitable for strolling and standing which is acceptable for its usage. The northern section of the street is currently suitable for standing, but this will change to strolling due to the prevailing winds and as a result of removal of the podium of Pelham Tower and the massing shape of the new proposed Student Accommodation Building. Whilst this change may be perceivable to pedestrians who regularly use this street, the wind conditions would still be acceptable for their usage. There is a secondary entrance to the student building in this location. Ideally entrances should be suitable for standing, however, given that this entrance is a small secondary entrance it is considered that this is acceptable. The wind assessment found that the existing trees mitigated the prevailing winds particularly at the junction of Whitecross Street with Cheapside. Apart from the two trees which need to be removed, it will be important to retain all other trees, and to carry out replacement planting if possible to compensate for the loss of two street trees.

Cheapside

- 8.268 Apart from the corner with Whitecross Street, the wind conditions would be improved along the rest of Cheapside and it was found to be suitable for sitting or standing which is suitable for its usage.

Pelham Street

- 8.269 Worst case winter conditions were found to be suitable for standing and sitting which is acceptable for its usage and an improvement from the existing situation where the northern end is currently only suitable for strolling.

Redcross Street

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- 8.270 Worst case winter conditions were found to be similar to the existing conditions and would still be suitable for sitting and standing which is acceptable for its usage.

Trafalgar Street

- 8.271 Conditions were found to improve slightly along Trafalgar Street at the junction with Whitecross Street and would be suitable for standing along the whole of the area tested which is acceptable for its usage.

Residential Development

- 8.272 The wind assessment showed that this section of the site is screened from the prevailing winds by the proposed College and Student Accommodation Buildings. The wind conditions for the majority of entrances on Pelham Street were found to be suitable for sitting, which is more than acceptable for their usage. The wind conditions for the rest of the entrances were found to be suitable for standing which is acceptable for their usage. The wind conditions of the amenity area to the rear of Building A was found to be suitable for sitting which is considered acceptable for its usage. The proposed residential public square was considered to acceptable for standing during the worst case winter months and sitting for the summer months and this considered to be suitable for its usage, given that people would not be expected to use the space at length during winter.
- 8.273 Overall, the wind conditions are considered to be acceptable for their proposed usage within the application site. Wind conditions would improve on some of the surrounding streets, however, wind conditions would worsen slightly on the north part of Whitecross Street, although they would still be considered to be acceptable for their usage. The BRE have commented that they support the conclusions reached in the ES, and the assessment of the likely wind conditions around the existing and proposed schemes.

Air Quality

- 8.274 Policy SU9 of the Local Plan will only permit development which may cause pollution, when human health is not put at risk and it does not reduce the Local Planning Authority's ability to meet the Government's air quality targets.
- 8.275 The application site is within the Air Quality Management Area (AQMA) which was declared due to existing and predicted exceeding of the national objective limit value for Nitrogen Dioxide (NO₂) concentrations (hourly and annual mean) as defined within the 2007 National Air Quality Strategy.
- 8.276 There are two main impacts in relation to air quality. Dust and fine particulates (PM₁₀) during the construction phase and NO₂ emissions as a result of the proposed development when operational.

Construction

- 8.277 The ES states that dust from demolition and construction activities can travel as far as 150 metres if no mitigation measures are employed. Given the large number of residential properties which are adjacent to the site is considered necessary for mitigation measures to be employed. PM₁₀s can arise from certain plant on site and also from vehicles. This can be reduced by the

selection of certain cleaner plant and vehicles. There are a number of generic mitigation measures proposed such as the watering of access routes within the site, covering of materials on vehicles, dampening of exposed soil and material stockpiles, screening of materials and sheeting of scaffolding, monitoring of highways and cleaning if necessary. The ES also considers that an Air Pollution Risk Assessment and Method Statement should be carried out which will include dust control measures and a timetable of dust generating activities and the necessary mitigation measures to be drawn up. It is proposed to secure the Air Pollution Risk Assessment and Method Statement as part of the CEMP. The Section 61 consents referred to in the noise and vibration section of this report will also have to specify dust mitigation measures.

Operational

- 8.278 The ES has predicted future levels of NO² concentrations for the streets surrounding the site as well as within the site for 2017 with the development and 2017 without the development. This was then compared to the modelled baseline air quality results. In line with the national guidance a confidence limit of 2.8 µg/m³ was also added to the results which factors for a margin of error with the modelling. Emissions from the CHP proposed at the student residential building and future traffic growth and emission values were used. The proposal is predicted to result in less vehicle trips to and from the site due to the removal of the surface level car park.
- 8.279 The national air quality objective for NO² is 40 µg/m³ (annual mean). The modelling of the baseline situation shows that this objective is exceeded on Cheapside and York Place. This is as expected and is a result of traffic emissions. For 2017 without the development the air quality levels were found to have improved. Monitoring locations away from York Place were predicted to fall below the limit value of 40 µg/m³ for both situations with and without the development. However, locations on York Place at the junctions with Cheapside and Trafalgar Streets were found to still exceed the limit value for both with and without the development. However, the development was only predicted to contribute between 0.21 and 0.43 µg/m³ in 2017 which is considered to be a negligible to slight adverse impact.
- 8.280 Air quality levels were also modelled for the façades of the proposed buildings including the Cheapside frontages of the student residential building and Block A and the eastern building of Block C as this would be in close proximity to York Place. The modelling results showed that generally air quality levels would be within the limit value of 40 µg/m³. However, when the confidence limit of 2.8 µg/m³ was applied 2017 levels of between 40.32 and 42.42 µg/m³ were predicted for the ground and first floor of Block A on the Cheapside frontage. Therefore a condition is proposed to require mitigation in the form of ventilation (passive or mechanical) for this frontage.
- 8.281 Predicted levels for NO² hourly mean and PM₁₀ (annual mean) were all found to be well within the national air quality objective limits.

External Lighting

- 8.282 Policy QD25 of the Local Plan will not permit lighting units which would emit over-intense light in the context of the use of the building or space to be illuminated and which could cause detriment to amenity, highway safety, or cause light pollution. The ES includes a chapter on external lighting and existing lighting on site and in the surrounding area has been assessed and a LUX contour plan has been produced in relation to existing and proposed street lighting.

Construction lighting

- 8.283 Construction would take place between 8am and 6pm Monday to Friday with working on Saturdays between 9am and 1pm. During winter there would be the need to illuminate the construction site in the early mornings and evenings and there may also be the need for some security lighting. Specific details related to construction lighting are not available at this time. However lighting should be designed to comply with BS12464 Part 2: Outdoor Work Places and lighting is also of importance to construction workers. The amount of lighting required will depend on the type of work which is taking place. However, the lighting should be designed so it is mounted within the site hoarding and directed onto the working area. Lighting which is needed for working in the dark should be switched off over night. If any security lighting is proposed it should be designed to that it does not cause a nuisance to neighbours. It will be important to control spill light and upward light so that residents on York Place, Trafalgar Court, Cheapside, Pelham, Whitecross and Trafalgar Streets and Theobald House are protected. It is recommended that construction lighting be controlled through the Construction Environmental Management Plan (CEMP), and the Section 61 Consents primarily with the aim of preventing any adverse impact on neighbouring properties.

Operational lighting

- 8.284 There are no proposed changes to existing street lighting on Whitecross Street, or Cheapside. However, it is proposed to change the street lighting on Pelham Street. The public square and residential squares will need to be lit as will the new route through to 15 York Place. Details of horizontal waymarking lighting is included within the Design and Access Statement which would be less intrusive than vertical lighting. It is proposed that a detailed lighting scheme is secured by condition and must be accompanied by reference to both horizontal and vertical illuminance. The lighting scheme would also need to comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E. Therefore it is considered that the lighting can be controlled effectively and can be designed so it would not give rise to light nuisance to nearby residents.

Ground Conditions and Contamination

- 8.285 Policy SU11 of the Local Plan states that proposals for the development of known or suspected polluted land or premises will help to ensure effective and productive use is made of brownfield sites. However, such proposals must ensure that an increase in contamination does not occur and remediation must be effective to ensure there is no harm to the environment and human health.

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8.286 A contaminated land desk top study and a site investigation study were submitted within the ES. This included information from historic studies. Site investigation was carried out for the surface level car park and significant contamination was not found. Therefore a contaminated land discovery condition is proposed for the site of the College Building.

8.287 However, it is apparent that there are other potential sources of contamination within the site boundary, such as engineering workshops, oil storage tanks, plant rooms, chemical storage, waste storage and print rooms, fuel storage sheds and suspected underground coal storage areas. Therefore it is proposed to require a site investigation report and if necessary any remediation work as part of the student and residential developments.

Flood Risk and Water Drainage

8.288 The site lies within Flood Zone 1 and is an area at low risk from flooding. The site is served by a combined sewer and there are also soakways in the centre of the site. It is proposed that foul water would be discharged to the combined sewer. It is considered that there is capacity for soakways on site, however, the exact details of the surface water drainage systems would need to be secured by condition in consultation with Southern Water, the Environment Agency and Building Control. Where possible permeable surfaces are proposed for the public realm.

Ecology Considerations

8.289 Policy QD17 of the Local Plan requires development to minimise the impact on existing nature conservation features on site and also that new nature conservation features be provided as part of the design of the scheme. SPD 06, Nature Conservation & Development provides further guidance regarding this.

8.290 The majority of the site is either covered by hardsurfacing or buildings and therefore it is considered to have very limited ecological value. A chapter within the ES covers Biodiversity. One mature sycamore tree is proposed to be removed which is within the car park and two street trees are proposed to be removed on Whitecross Street. The sycamore tree is a mature specimen, however, it needs to be removed in order to facilitate the public realm improvements within the public square which include level changes. The proposed row of tree planting along the southern boundary is considered to compensate for this tree.

8.291 The highest ecological impact is considered to be the loss of the breeding habitat for herring gulls through the demolition of York Building. Therefore it is recommended that a condition is imposed to require that unless bird exclusion areas have first been established the demolition of York Building should occur outside of the bird nesting season. A stage 2 Bat Survey has been carried out and none of the buildings were found to have limited bat roosting features and no evidence of bats were found.

8.292 The following ecological enhancements are proposed:

- 10 swift bird boxes;

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- 6 sparrow bird boxes;
- 5 bat boxes;
- Tree planting along Pelham Street, Cheapside and the new access route to 15 York Place and also within the proposed public square.

8.293 It is also considered that the green/sedum roofs could be accommodated on the roofs of residential buildings Block A and Block B, and it is proposed to secure this through condition.

8.294 Two street trees will be removed on Whitecross Street in order to facilitate the lay-by. Where possible additional tree planting will be sought on Whitecross Street in order to compensate for the two trees which have been lost. Significant additional tree planting is also proposed along Pelham Street and Cheapside.

8.295 It is considered that the ecological value of the site will be improved and it is proposed to secure the ecological and landscaping enhancements through conditions.

Sustainability Considerations

8.296 The policy basis for sustainable design is policy SU2 of the adopted Local Plan. SPD 08 Sustainable Building Design offers guidance on achieving this. The policy permits developments which achieve high standards in the reduction in the use of energy, water and materials. Proposals are required to demonstrate measures to reduce fuel use and greenhouse emissions, the incorporation of renewable energy resources, reduction of water consumption, reuse of grey or rain water, and minimising energy use from use of raw materials. SPD 08 requires major non-residential developments to achieve 60% reduction in energy and water sections of the relevant BREEAM and to achieve overall BREEAM 'excellent'. SPD 08 requires major residential development to achieve Code Level 4 of Sustainable Homes.

College Building

8.297 Positive aspects of the college building include:

- Target: targeted 20% CO2 reduction against Part L Building Regulations;
- Gas boiler for heating;
- Renewable technologies to be installed: solar hot water 50m², photovoltaic panels/glazing to produce circa 100MWhrs/yr and air source heat pumps to provide cooling when required;
- Solar hot water technology to provide hot water for site wide hot water demand including the beauty salon, toilets, showers and kitchens. Estimated to save 33% energy use associated with hot water demand.
- Glazed atrium roof incorporating integrated photovoltaics glazing;
- Passive design measures: maximisation of natural lighting, solar shading (louvers);
- Water efficiency: Low flow taps/showerheads, target water usage 105 litres/person/day;
- Rainwater harvesting to be considered for WC flushing (greywater recycling ruled out).

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- 8.298 The proposed building was registered as part of a BREEAM pre-assessment with the BRE as part of the previous 2008 scheme. Therefore, the BREEAM standards which the BRE are applying to this development are the 2008 standards and not the 2011 standards. Although the building is predicted to achieve an 'Excellent' rating and over 60% in the energy and water sections, this would only equate to a 'Very Good' rating if the 2011 standards were used. This is disappointing in sustainability terms. However, given that the rest of the development will meet the most up to date standards, and as the College has submitted a viability case regarding the enabling development, on balance it is considered acceptable that the 2008 standards are being applied.

Student Residential Building

- 8.299 Positive aspects of this building include:

- BREEAM Multi Residential 'excellent and 60% in energy and water sections;
- Combined Heat and Power plant (Gas based CHP) as lead boiler with gas boiler back up;
- 9.8kWp of photovoltaic panels (70m²);
- Target: targeted 25% CO₂ reduction against Part L Building Regulations;
- Enhanced U-values and airtightness, efficient lighting;
- Target water usage 4.4m³ per person/day;
- Proposed Energy Management Strategy for in use energy to maximise performance.

- 8.300 The proposal is predicted to meet a BREEAM (2011) rating of 'Excellent'.

Residential Buildings

- 8.301 There is a commitment within the application that the buildings will achieve a Code for Sustainable Homes rating of Level 4. A condition is proposed to require that solar technologies are incorporated into the roof design. There are a number of solar technologies that are compatible with green/sedum roofs.

Whole development

- 8.302 The Council's Sustainability Officer has commented that it is disappointing that the landscaping approach has not included food growing or fruit trees following good practice that has been proposed on other academic and mixed use developments, as encouraged by Planning Advice Note 06 Food Growing and Development. However, it is recognised that there is unlikely to be sufficient space within the development for food growing.
- 8.303 Policy DA4 of the Submission City Plan states development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular District Heating Systems (DHS) subject to viability. SPD10 - London Road Central Masterplan also encourages DHS.
- 8.304 Whilst a scheme wide heat network solution has been ruled out at this stage, it is recommended by the Council's Sustainability Officer that any centralised energy plant installed into the proposed buildings should have provision for future connection to any future decentralised heat network (DHS). The applicant has agreed that there is the ability to allow a connection to a future DHS, as this would be relatively straightforward and involves leaving valved

connections from the main header pipes to allow pipes to be run from the plant room along a defined route to the street to allow connection to the DHS. Space for plate heat exchangers (PHXs) are normally required to allow hydraulic separation of the systems. The PHX's could be located where the CHP is sited, as the CHP would be redundant if the building was connected to a DHS.

- 8.305 A condition is also proposed to require that the College Buildings and Residential Buildings have a provision for a future connection for any DHS.

Archaeology

- 8.306 Part of the site is located within an Archaeological Notification Area. However as there has been a very high level of past impact on this site by both the construction of the current buildings and the previous construction and demolition of the Victorian terrace housing, the County Archaeologist has commented that it is unlikely that any significant archaeological remains survive. The potential for deeper Pleistocene deposits is also low given the site's location on the side of the chalk valley and well to the north of the known extent of the Brighton raised beach deposits.

Waste Management

- 8.307 Policies SU13 and SU14 of the Local Plan are concerned with the minimisation and re-use of construction industry waste and waste management. Further guidance is also contained within SPD 03 Construction & Demolition Waste. A condition is proposed to secure Site Waste Management Plans for the different phases. The Construction and Environmental Management Plan (CEMP) should aim to reduce waste at source and provide guidance on how to manage waste and recyclables throughout the construction and demolition stage. The future management plan for the student residential accommodation will need to include details on how recycling will be encouraged. Refuse and recycling store details will be sought by condition.

Socio-Economic Benefits

- 8.308 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three main dimensions to sustainable development. These are economic, social and environmental role.
- 8.309 The ES includes a Socio- Economic Chapter which estimates that the redevelopment has the potential to provide significant beneficial impacts with regard to education provision, training facilities, jobs creation and inward investments in the City. The ES has predicted that the development could bring £79 million of inward investment, create 141 FTE construction jobs and up to £1 million of additional spending. The provision of a modern fit for purpose College building would be a conservable community asset for the City.

Infrastructure & Viability

- 8.310 Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing.

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8.311 Policy QD28 of the Local Plan details a number of infrastructure aims which will be sought through a planning obligation (Section 106 Agreement). Policy HO6 requires the contributions towards for open space, sport and recreation facilities where they cannot be provided on site.

8.312 The following would normally be sought for a development of this size;

College Building

No contributions necessary.

Student Residential Building

Open space, sport and recreation contribution: £267,447

Sustainable transport: £204,900

Total: 472,347

Residential Development

Education: £138,062

Open space, sport and recreation contribution: £304,815

Transport: £51,300

Local Employment Scheme: £62,500

Total: £556,677

Total contributions: £1,029,024.

8.313 There is no funding from central Government for this scheme. Therefore the College need to meet the full construction costs for the new College building. Therefore the student residential and the residential development are enabling development for the new College Building.

8.314 Paragraph 173 of the NPPF states that 'to ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

8.315 Having regard to the NPPF, it is appropriate for the applicant to submit a viability assessment to justify a scheme which is not fully policy compliant. To assist the Council in the assessment of the viability report, the Council has sought the professional advice of the District Valuer (DV).

8.316 The applicant's viability appraisal proposes 20% affordable housing provision on site, and £300,000 for contributions to mitigate the impact of the development. The viability appraisal shows that the applicant is also relying on an uplift in residential sale values in order to achieve the 20% affordable housing. The viability appraisal also proposed a 'claw back' mechanism whereby if the sales receipts are higher than projected then the difference in the financial contributions which would normally be sought for this development, along with a contribution for the cost of providing a further 20% affordable housing provision

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off site. It is proposed to secure this 'clawback mechanism' within the Section 106 Agreement.

- 8.317 The DV has assessed the applicant's report and evidence. The DV concluded that the information provided was comprehensive and reasonable and the viability methodology was acceptable.
- 8.318 The DV concluded that it was clear from the calculations that a fully policy compliant scheme with 40% affordable housing provision and contribution sums to the value of £1,029,024 is not viable. Due to the DV's findings, the Housing Team support the provision of 20% affordable housing provision.
- 8.319 Having regard to all matters with respect to viability and the considerable community and infrastructure benefits which would be provided by the new College building, the level of affordable housing and contributions is considered appropriate in this case. However, there is the need to ensure there is a 'clawback mechanism' built into the Section 106 Agreement.
- 8.320 Work on the residential development would normally need to commence within 5 years for the planning permission to be valid. However, a condition is proposed to require that the residential development should be constructed to at least first floor level within 4 years of the date of the permission or the viability appraisal would need to be resubmitted if a deduction from 40% on site affordable housing provision is sought. It is also proposed to condition the maximum number of residential units at 125. If the height or the siting of residential buildings is altered then a separate planning application would need to be submitted and a separate viability case made if a deduction from 40% on site affordable housing provision or a reduction in the financial contributions needed to mitigate the impact, is sought.

9 CONCLUSION

- 9.1 It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

10 EQUALITIES

- 10.1 The residential units would be built to meet Lifetime homes standards and a proportion would be wheelchair accessible in line with Council policy. Disabled parking spaces are provided for the residential development and on Pelham Street for the College and student residential buildings.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

- The S106 will need to clearly define the Phase 1 College Building, Phase 2a Student Residential Building and Phase 2b Residential Development

Before commencement of all Phases

- Detailed Phasing Plan submitted to and agreed by the LPA for the demolition and construction related to Phase 1, Phase 2a and Phase 2b. Pelham Tower must be completely demolished within 1 year of first occupation of the Phase 1 College Building.

Phase 1: College Building and Public Square

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Prior to first occupation, the applicant must have entered into a Walkways Agreement under Section 35 of the Highways Act 1980 to

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agree means of security, access and management of the public square and alleyway.

- 6 months after commencement of development a Management Plan to be submitted for the square and alleyway which links the square to Whitecross Street to be submitted and approved by the LPA which will include gates to the alleyway and 24 hour security (CCTV and staff) details for the square.
- Public art to the value of £43,000 to be provided on site.
- Prior to first occupation a Travel Plan for the College to be submitted and approved by the LPA.
- A requirement for a representative of the College to attend the local LAT.
- Prior to first occupation a Delivery & Servicing Management Plan is to be submitted and approved by the LPA.
- Facilities for future connection to a District Heating System.

Phase 2a – Student Residential Building

- A restriction on the occupation of the accommodation to only those attending full time academic courses at a Higher Education Provider within Brighton & Hove or short term summer courses at a local educational facility during the summer vacation.
- The Higher Education Provider must have appropriate outdoor and indoor sports provision for the occupiers or else a further contribution of £218,380 is required.
- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase.
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be

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defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.

- Student Accommodation Management Plan to be submitted and agreed prior to first occupation, to include details of student management, the written agreement of both the Higher Education establishment and the Student Management Company to the management principles, number and type of staff, 24 hour security arrangements and location of a smoking area.
- Prior to commencement of development a contribution of £150,000 to be spent sustainable transport infrastructure (£75,000) and open space, sport and recreation infrastructure (£75,000). A clawback mechanism for the possibility of additional contributions capped at £322,347 to be spent on sustainable transport infrastructure (£129,900) and open space, sport and recreation infrastructure (£192,447).
- Prior to first occupation a Delivery & Service Management Plan to be submitted and approved.
- Prior to first occupation a Travel Plan which includes a move in and move out strategy to be submitted and approved by the LPA.
- Prior to first occupation measures to ensure the development remains car free - TRO to exclude able bodied residents from obtaining a parking permit..
- Requirement for a staff representative of both the Higher Education establishment and the Student Management Company to attend the LAT.
- Public art to the value of £43,000 to be provided on site.
- Facilities for future connection to a District Heating System.

Phase 2b – Residential Development

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA which shall include the following:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes and a Delivery Management Strategy
 - (vi) Air Pollution/Dust Risk Assessment and Method Statement.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase.

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- Prior to commencement of Phase 2b development, a contribution of £150,000 for education provision (£100,000), sustainable transport infrastructure (£25,000) and open space sport and recreation (£25,000). A claw back mechanism related to the sales receipt for the possibility of additional contributions capped at £406,677 for education (£38,062), sustainable transport infrastructure (26,300), open space sport and recreation infrastructure (£279,815) and Local Employment Scheme (£62,500).
- A 'clawback mechanism' related to the sales receipt and the possible contribution of up to £1.37 million for the provision of off site affordable housing.
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Prior to commencement of development, a landscaping scheme to be submitted to and approved by the LPA for the new access route from Pelham Street to the archway at 15 York Place. Works to be carried out prior to first occupation.
- Prior to first occupation, the applicant along with the owners of 15 York Place must have entered into a Walkways Agreement under Section 35 of the Highways Act 1980 to agree means of security, access and management of the new access route which will also include security measures.
- Prior to first occupation a Management Plan for the residential square to be submitted to and approved by the LPA.
- The requirement for a staff representative of the resident management company to attend the LAT.
- Prior to first occupation a Refuse Collection Management Plan to be submitted and approved.
- Prior to first occupation measures to ensure the development remains car free - TRO to exclude able bodied residents from obtaining a parking permit.
- Prior to first occupation the submission and approval of a Travel Plan.
- Public art to the value of £43,000 to be provided on site.
- Facilities for future connection to a District Heating System.

Gloucester Building

- Gloucester Building is brought into use as a crèche within three years of the College Building being first occupied.

Conditions

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

Plan Type	Reference	Version	Date Received
Site Plan	P1001	C	20 September 2013
Site Plan – As existing	P1000	A	20 September 2013

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Site Survey - As Existing	P	A	20 September 2013
Site Layout - Proposed Masterplan	P1105	D	31 October 2013
Phasing Plan	P1106	A	20 September 2013
Pelham Tower Plans as Existing Ground to Third Floors (1 of 2)	P1107	A	30 May 2013
Pelham Tower Plans as Existing Fourth to Eleventh Floors (2 of 2)	P1008	A	30 May 2013
Site Elevations as Existing	P1110		30 May 2013
Site Elevations - Proposed College - Phase 1	P1111	A	20 September 2013
Site Elevations - Prop. College - Ph. 1 - Cheapside & Trafalgar St	P1112	A	30 May 2013
Site Elevations - Prop. College - Ph. 1 - York Place & Whitecross St	P1113	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2a	P1114	B	20 September 2013
Site elevations - Prop. Masterplan - Ph. 1 & 2a - Cheapside & Trafalgar St	P1115	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2a - York Place & Whitecross	P1116	B	20 September 2013
Site Elevations - Proposed Masterplan - Phase 1 & 2b	P1117	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - Cheapside & Trafalgar	P1118	B	20 September 2013
Site Elevations - Prop. Masterplan - Ph. 1 & 2b - York Place & Whitecross St	P1119	B	20 September 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 1 of 2)	P1120	A	30 May 2013
Site Sec. - Existing & Proposed - Phase 1 (sheet 2 of 2)	P1121	A	20 June 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 1 of 2)	P1122	A	30 May 2013
Site Sec. - Existing & Proposed - College Building - Phase 1 (sheet 2 of 2)	P1123	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 1 of 2)	P1125	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet	P1126	B	20 September 2013

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2 of 2)			
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2 b (sheet 1 of 2)	P1127	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2b (sheet 2 of 2)	P1128	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1130	B	20 September 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1131	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 1 of 2)	P1132	A	20 June 2013
Site Sec. - Existing & Proposed - Masterplan - Phase 1 & 2a (sheet 2 of 2)	P1133	B	20 September 2013
Site Elevations - Existing & Phase 1 from Pelham Street	P1140	B	20 September 2013
Cheapside Building - Existing Floor Plans	P1150	A	30 May 2013
Trafalgar Building - Existing Floor Plans	P1151	A	30 May 2013
York Building - Existing Floor Plans	P1152	A	30 May 2013
College Building Prop' Floor Plans - Ph 1- Floors Ground to Three	P1220	A3	13 November 2013
College Building Prop' Floor Plans - Ph 1- Floors four to Seven	P1121	A2	13 November 2013
College Building Prop' Floor Plans - Ph 1- Roof Plan	P1222	A1	30 May 2013
Proposed Site Elevations - East & West Elevations	P1225	B	30 May 2013
Proposed Site Elevations - North & South Elevations	P1226	B	20 September 2013
College Building Prop' Elevations - Ph 1 - South Elevation	P1230	B	20 September 2013
College Building Prop' Elevations - Ph 1 - West Elevation	P1231	B	20 September 2013
College Building Prop' Elevations - Ph 1 - North Elevation	P1232	B	20 September 2013
College Building Prop' Elevations - Ph 1 - East Elevation	P1233	B	20 September 2013
College Building Prop' Bay Elev'n - Ph 1 - Main College Entrance	P1234	A	30 May 2013

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College Building Prop' Bay Elev'n - Ph 1 - Bay Window	P1235	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Ground to Three	P1240	B	20 September 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Four to Seven	P1241	A	30 May 2013
SRA Building Prop' Floor Plans - Ph 2a - Floors Eight to Ten	P1242	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - North Elevation	P1250	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - East Elevation	P1251	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - South Elevation	P1252	B	20 September 2013
SRA Building Prop' Elevations - Ph 2a - West Elevation	P1253	B	20 September 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Main SRA Entrance	P1254	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Cheapside	P1255	A	30 May 2013
SRA Building Prop' Bay Elev'n - Ph 2a - Whitecross Street	P1256	A	30 May 2013
SRA courtyard elevation - East Facade	P1260	A	30 May 2013
SRA courtyard elevation - West Facade	P1261	A	20 September 2013
SRA courtyard elevation - North Facade	P1262	A	30 May 2013
SRA courtyard elevation - South Facade	P1263	A	20 June 2013
SRA Lightwell Elevation - North Elevation	P1265	A	20 June 2013
SRA Lightwell Elevation - West Elevation	P1266	A	20 June 2013
Detailed Landscape proposals	1158-1002	08	18 September 2013
Construction Details	1158-1005	P02	19 September 2013
Detailed Landscape proposals	1158-1003	08	18 September 2013
College Square Boundary screen sections	1158-1009	P01	19 September 2013
Masterplan - Prop' Residential - Phase 2b Indicative Elevations	P1286	C	13 November 2013
Masterplan - Prop' Residential - Existing - Trafalgar Court Elev	P1287	A	20 June 2013
Masterplan - Prop' Residential - Proposed - Trafalgar Court Elev	P1288	C	13 November 2013

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Phase 1: College Building and Public Square Conditions

- 2) The Phase 1 College Building hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3) The Phase 1 College Building hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) No development shall commence of the Phase 1 College Building shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the Phase 1 College Building is occupied and retained as such thereafter.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 5) No development shall commence of the Phase 1 College Building until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.
- 6) No development shall commence of the Phase 1 College Building until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 7) No development of Phase 1 College Building shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

- 8) If, during development of the Phase 1 College Building and public square, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 9) No development of Phase 1 College Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. No infiltration of surface water drainage into the ground is permitted other than that which is first approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details and retained as such thereafter.
Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to prevent pollution of the water environment as a result of this development and to comply with policies SU3 and SU15 of the Brighton and Hove Local Plan.
- 10) Piling or any other foundation designs using penetrative methods associated with the Phase 1 College Building shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 11) No development of Phase 1 College Building shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

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- 12) No development of the Phase 1 College Building or public square or other operations in connection with the Phase 1 College Building or public square, shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement for the Phase 1 College Building and public square development has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement.
Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 13) No development of the Phase 1 College Building or public square shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 Public Square, which shall include hard surfacing, wind mitigation screens, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 14) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 15) No development of the Phase 1 College Building shall take place until details of a minimum of 56 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 1 College Building hereby permitted and shall thereafter be retained for use at all times.

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

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

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

- 17) None of the Phase 1 College Building hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 25) The Phase 1 College Building hereby permitted shall not be operational except between the hours of 06:00 and 21:00 on Mondays to Fridays and 06:00 to 17:00 on Saturdays with no opening on Sundays or Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 26) (i) No development of the Phase 1 College Building shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation of the Stage 1 College Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 27) The Phase 1 building shall only be used for D1 education provision only with ancillary retail (A1) and restaurant (A3) as shown on the approved plans and for no other purpose including the use of any part of the building as a theatre (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.
- 28) All windows on the south elevation of the Phase 1 College Building to the east of the main entrance section of the building shall not be glazed otherwise than with obscured glass in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development of the Stage 1 College Building. The scheme shall be implemented fully in accordance with the approved details prior to first occupation of the Stage 1 College Building and retained as such thereafter.

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

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

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

Student Residential Development – Phase 2a

- 30) The Phase 2a Student Residential Building hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

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

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

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

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

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

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

- 34) No development of the Phase 2a Student Residential Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the 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 QD1 of the Brighton & Hove Local Plan.

- 35) No development of the Phase 2a Student Residential Building shall take place until samples of materials for all external windows and doors of the Phase 2a building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

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

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

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

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

- 38) No development of the Phase 2a Student Residential Building shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall

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

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

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

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

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

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

- 41) 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.

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- 42) No development of the Phase 2a Student Residential Building shall take place until details of a minimum of 160 secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2a Student Residential Building hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 43) No development of the Phase 2a Student Residential Building shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 44) None of the Phase 2a Student Residential hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 45) Noise associated with plant and machinery incorporated within the Phase 2a Student Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 46) The testing of life safety plant incorporated within the Phase 2a Student Residential Development, shall not be carried out for no more than 1 hour per month between 09.00 and 17.00 during working weekdays, the

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assessment criteria is relaxed to correspond to an increase in the minimum background noise levels by no more than 10 dB(A).

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

- 47) No servicing of the Phase 2a Student Residential Building (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 19.00 Monday to Friday, and 09.00 to 17.00 on Saturdays and Sundays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 48) The Party Walls/Floors between the ground floor of the Phase 2a Student Residential Building and the first floor residential units should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 49) No development of the Phase 2a Student Residential Building shall take place until a an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2a Student Residential Building submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the “good” levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 50) Post completion of the Phase 2a Student Residential Building, but prior to occupation of the Phase 2a Student Residential Building, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the noise levels internally at the Phase 2a Student Accommodation Building comply with the “good” levels in British Standard 8233. If the additional noise survey and report shows that the “good” levels in the British Standard 8233 are not met then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the “good” levels in the British Standard 8233 shall be submitted to and approved in writing prior to first occupation of the Phase 2a Student Accommodation Building
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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- 51) No development of the Phase 2a Student Residential Building shall take place until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 52) No development of the Phase 2a Student Residential Building shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 53) (i) No development of the Phase 2a Student Residential Building shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation of the Phase 2a Student Residential Building, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 54) (i) No development of the Phase 2a Student Residential Building shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
(a) A desk top study documenting all the previous and existing land uses of the Phase 2a Student Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report

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Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

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

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

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

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

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

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

- 56) No development of the Phase 2a Student Residential Building shall take place until the details of the height, materials and technical specification for the flue serving the Combined Heat and Power system has been submitted to an approved in writing by the Local Planning Authority.

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

Phase 2b: Residential Development & Pelham Street Improvements

- 57) The Phase 2b Residential Development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in Condition 58 below, whichever is the later.

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

- 58) a) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) appearance; and
 - (ii) landscaping.
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 59) The Phase 2b Residential Development shall not commence until a scheme for the details of the provision of affordable housing for at least 20% of the residential units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. Save where Condition 60 below applies, the affordable housing shall be provided in accordance with the approved scheme which shall include:

- i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units.
- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

and for the purposes of this condition and Condition 60 below ‘affordable housing’ has the meaning ascribed to it by the National Planning Policy Framework.

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

- 60) Should all the Phase 2b Residential Buildings hereby approved not have been constructed to at least first floor level by the fourth anniversary of the date of this permission; or if the gross internal floor area (combined) of the

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residential units hereby approved (excluding any communal areas such as entrance halls, staircases and lifts) exceed 7,265 square metres; a viability assessment which assesses, at that date, the number of affordable housing units that the proposed development could provide whilst remaining viable, together with a scheme ('the reassessed scheme') of affordable housing provision based on that viability assessment, shall be submitted to, and for approval in writing by, the Local Planning Authority. The affordable housing shall be provided in accordance with the approved reassessed scheme which reassessed scheme shall include:

- v. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- vi. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- vii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.
- viii. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team

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

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

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

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

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

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

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

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- 64) Piling or any other foundation designs using penetrative methods associated with the Phase 2b Residential Development shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 65) (i) Prior to the commencement of the Phase 2b Residential Development details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
- 66) Unless otherwise agreed in writing by the Local Planning Authority, no works shall start in relation to the Phase 2b Residential Development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.
A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 67) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2b Residential Development shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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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.

- 68) No development of the Phase 2b Residential Buildings shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

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

- 69) Noise associated with plant and machinery incorporated within the Phase 2b Residential Development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

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

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

- 71) The reserved matters application required by Condition 58 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

- 72) The reserved matters application required by Condition 58 shall include details of a daylight and sunlight report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the level of daylighting and sunlighting to all habitable windows in the

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Residential Buildings in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

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

- 73) The reserved matters application required by Condition 58 shall include details of windows on the east facing elevation at first floor of the eastern building of Block C shall be designed to limit overlooking to properties on York Place.
Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.
- 74) The east facing elevation of the northern wing of Block A which is adjacent to Cheapside shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 58.
Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.
- 75) The east facing elevation of the southern wing of Block A which is adjacent to the new pedestrian route to 15 York Place shall not contain balconies and any windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such and open inwards in accordance with details to be submitted as part of the reserved matters application required by Condition 58.
Reason: To safeguard the amenity of adjacent occupiers and to comply with policies QD27 of the Brighton & Hove Local Plan.
- 76) (i) No development of the Phase 2b Residential Buildings shall take place until details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council.
(ii) Prior to occupation of the Phase 2b Residential Buildings, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in part (i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part (i).
(iii) The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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- 77) (i) No development of the Phase 2b Residential Buildings shall take place until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
- (a) A desk top study documenting all the previous and existing land uses of the Phase 2b Residential Development site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and unless otherwise agreed in writing by the local planning authority,
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;
and, unless otherwise agreed in writing by the local planning authority,
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The Phase 2b Residential Building hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
b) photographs of the remediation works in progress;
c) certificates demonstrating that imported and/or material left in situ is free from contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”
- Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 78) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
- Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 79) No works shall commence on the Phase 2b Residential Buildings until a scheme has been submitted to and approved in writing by the Local Planning Authority which shows that a minimum of 10% of the affordable

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housing units and 5% of market housing residential units are fully wheelchair accessible. The scheme shall be fully implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 80) The heights of the residential buildings shall not exceed the following Ordnance Datum levels (AOD); Block A 29.95 metres, Block B 30.95 metres Block C ridge height 23.42 metres and eaves height 20.349 metres as shown on plans referenced P1286 C and P1288 C received on 13 November 2013.

Reason: For the avoidance of doubt over what is approved.

- 81) The Phase 2b Residential Development hereby permitted shall not be commenced until details of a minimum cycle parking standards in accordance with the details contained within Supplementary Planning Guidance Note 4 Parking Standards or any subsequent Supplementary Planning Document which replaces SPG4, has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the Phase 2b Residential Development hereby permitted and shall thereafter be retained for use at all times.

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

- 82) The 13 disabled car parking spaces to the rear of Block A shall be fully implemented and made available for the occupants of Block A hereby approved prior to first occupation of Block A and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled occupiers and to comply with Local Plan policy TR18 and SPG4.

- 83) Notwithstanding the approved plans. no development of the Phase 2b Residential Buildings shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

- 84) The roofs of Block A and Block B shall contain a green or sedum roof, and the roofs of Block A, Block B and Block C shall contain renewable solar technologies, the details of which shall be submitted as part of the reserved matters application required by Condition 58.

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.

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- 85) The reserved matters application required by Condition 58 shall include details of an ventilation strategy which contains details of how the units at the ground and first floor levels of the Cheapside elevation of Block A shall be ventilated so that they are protected from the outside ambient air quality. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 86) No development of the Phase 2b Residential Development shall take place until a written Site Waste Management Plan for Phase 2a Student Residential Building, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

It is considered that the principle of the mix of uses on site is acceptable and is compliant with the Local Plan and the Submission City Plan. In addition, the redevelopment proposals would bring about substantial public benefits to the City due to the provision of the purpose built modern College building, purpose built student accommodation, up to 125 units of residential accommodation and public realm improvements. 20% of the residential units would also be secured as affordable housing. The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and would recreate a building line along Pelham Street and Whitecross Street. The height, massing and design of all of the buildings are appropriate. The College and

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student buildings are of a high enough design quality and would sit acceptably in the mixed context of the immediate street scenes. The proposal and the demolition of Pelham Tower would enhance a number of key views from the adjacent Valley Gardens conservation area and North Laine conservation areas and would engage the setting of St Peter's Church and St Bartholomew's.

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

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

3. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
4. The applicant should also note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The applicant may also wish to be aware that the site is resident in a fact located in a special stress area and an applicant would have to have extra regard to the four licensing objectives to demonstrate how they are not going to adversely impact the area
5. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

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6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The nature conservation enhancement measures secured by condition on all three phases (Phases 1, 2a and 2b) shall include the minimum provision of 10 swift boxes, 6 sparrow boxes and 5 bat boxes.

City College – BH2013/01600

Letters of Objection

Property Name / Number	Street	Town	Postcode
Unknown (x25)			
22	Albert Road	Southwick	BN42 4GE
11	Barn Stables	Lewes	BN7 1ST
84 Theobald House	Blackman Street	Brighton	BN1 4FN
10/10A	Bond Street	Brighton	BN1 1RD
25A	Bond Street	Brighton	BN1 1RD
11	Cheltenham Place	Brighton	BN1 4AB
12	Cheltenham Place	Brighton	BN1 4AB
22	Cheltenham Place	Brighton	BN1 4AB
3	Cheltenham Place	Brighton	BN1 4AB
32	Cheltenham Place	Brighton	BN1 4AB
7	Cheltenham Place	Brighton	BN1 4AB
11	Clifton Street	Brighton	BN1 3PH
Flat 6, Sussex Court	Emerald Quay	Shoreham	BN43 5EW
1	Foundry Street	Brighton	BN1 4AT
2 (x2)	Foundry Street	Brighton	BN1 4AT
15	Frederick Gardens	Brighton	BN1 4TB
23	Frederick Gardens	Brighton	BN1 4TB
5	Frederick Gardens	Brighton	BN1 4TB
6	Frederick Gardens	Brighton	BN1 4TB
12	Frederick Street	Brighton	BN1 4TA
Flat F, The Ocean Building, 18-20	Frederick Street	Brighton	BN1 4UJ
1 Gloucester Mews, 113-120	Gloucester Road	Brighton	BN1 4BW
96	Gloucester Road	Brighton	BN1 4AP
234	Hangleton Road	Hove	BN3 7LP
1	John Street	Brighton	BN3 0LA
21	Kemp Street	Brighton	BN1 4EF
33	Kemp Street	Brighton	BN1 4EF
47	Kemp Street		
10	Kensington Place	Brighton	BN1 4EJ
11	Kensington Place	Brighton	BN1 4EJ
14	Kensington Place	Brighton	BN1 4EJ
15	Kensington Place	Brighton	BN1 4EJ
20	Kensington Place	Brighton	BN1 4EJ
31	Kensington Place	Brighton	BN1 3EJ
32	Kensington Place	Brighton	BN1 4EJ
34 (x2)	Kensington Place	Brighton	BN1 4EJ

37	Kensington Place	Brighton	BN1 4EJ
38 (x2)	Kensington Place	Brighton	BN1 4EJ
39	Kensington Place	Brighton	BN1 4EJ
41 (x3)	Kensington Place	Brighton	BN1 4EJ
46	Kensington Place	Brighton	BN1 4EJ
47	Kensington Place	Brighton	BN1 4EJ
48	Kensington Place	Brighton	BN1 4EJ
49	Kensington Place	Brighton	BN1 4EJ
5	Kensington Place	Brighton	BN1 4EJ
6	Kensington Place	Brighton	BN1 4EJ
43	Kestrel Way	Aylesbury	HP19 0GH
Flat 16, Blackmore Court, 2	Kingscote Way	Brighton	BN1 4GJ
Flat 18, Blackmore Court, 2	Kingscote Way	Brighton	BN1 4GJ
36	Marlborough Place	Brighton	BN1 1UA
Flat 6, 24	North Place	Brighton	BN1 1XF
28A (x2)	North Road	Brighton	BN1 1YB
2	Over Street		BN1 4EE
35	Over Street	Brighton	BN1 4EE
44	Over Street	Brighton	BN1 4EE
45	Over Street	Brighton	BN1 4EE
46A	Over Street	Brighton	BN1 4EE
10	Pelham Square	Brighton	BN1 4ET
13	Pelham Square	Brighton	BN1 4ET
16	Pelham Square	Brighton	BN1 4ET
18	Pelham Square	Brighton	BN1 4ET
19	Pelham Square	Brighton	BN1 4ET
21	Pelham Square	Brighton	BN1 4ET
24	Pelham Square	Brighton	BN1 4ET
6	Pelham Square	Brighton	BN1 4ET
2 (x2)	Pelham Street	Brighton	BN1 4FA
Flat 2, 1 (x2)	Pelham Street	Brighton	BN1 4FA
Flat 4, 1	Pelham Street	Brighton	BN1 4FA
22	Portland Street	Brighton	BN1 1RN
31	Queens Gardens	Brighton	BN1 4AR
4	Queens Gardens	Brighton	BN1 4AR
40 (x2)	Queens Gardens	Brighton	BN1 4AR
13	Robert Street	Brighton	BN1 4AH
13A	Robert Street	Brighton	BN1 4AH
2 (x2)	Robert Street	Brighton	BN1 4AH
21	Robert Street	Brighton	BN1 4AH
52	Rugby Road	Brighton	BN1 6EB
25	Southdown Avenue	Brighton	BN1 6EH
17	St Georges Mews	Brighton	BN1 4EU
18	Sydney Street	Brighton	BN1 4EN

21	Sydney Street	Brighton	BN1 4EN
36	Sydney Street	Brighton	BN1 4EP
2	The Drive	Hove	BN3 3JA
8A	Tichborne Street	Brighton	BN1 1UR
8B	Tichborne Street	Brighton	BN1 1UR
11 (x2)	Tidy Street	Brighton	BN1 4EL
15	Tidy Street	Brighton	BN1 4EL
19	Tidy Street	Brighton	BN1 4EL
2	Tidy Street	Brighton	BN1 4EL
23	Tidy Street	Brighton	BN1 4EL
26	Tidy Street	Brighton	BN1 4EL
27	Tidy Street	Brighton	BN1 4EL
3	Tidy Street	Brighton	BN1 4EL
37	Tidy Street	Brighton	BN1 4EL
9	Tidy Street	Brighton	BN1 4EL
Flat 4, 28	Tidy Street	Brighton	BN1 4EL
20A	Toronto Terrace	Brighton	BN2 9UX
Flat 8 Villiers Court	Trafalgar Place	Brighton	BN1 4FT
23	Trafalgar Street	Brighton	BN1 4EQ
26a	Trafalgar Street	Brighton	BN1 4ED
91	Trafalgar Street	Brighton	BN1 4ER
96	Trafalgar Street	Brighton	BN1 4ER
Flat 1, 100A	Trafalgar Street	Brighton	BN1 4ER
Flat 2, 87 (x2)	Trafalgar Street	Brighton	BN1 4ER
Flats 1 & 2, 87/88	Trafalgar Street	Brighton	BN1 4ER
4	Trafalgar Terrace	Brighton	BN1 4EG
2 (x2)	Trafalgar View	Brighton	BN1 4DZ
26	Upper Gardner Street	Brighton	BN1 4AN
31	Upper Gardner Street	Brighton	BN1 4AN
38	Upper Gardner Street	Brighton	BN1 4AN
2 (x2)	Whitecross Buildings, Whitecross Street	Brighton	BN1 4UP
1 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
12 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
16 Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
Flat 6, Trafalgar View	Whitecross Street	Brighton	BN1 4DZ
Trafalgar View	Whitecross Street	Brighton	BN1 4DZ

Letters of Support

Property Name / Number	Street	Town	Postcode
Unknown (x2)			
30	Central Avenue		BN20 8PR
5	Chanctonbury View	Henfield	BN5 9TW
Hemsley Orrell Partnership, HOP House, 41	Church Road	Hove	BN3 2BE
115A	Church Road	Hove	BN3 2AF
Uckfield Community Technology College	Downsview Crescent	Uckfield	TN22 3DJ
BHASVIC, 205	Dyke Road	Hove	BN3 6EG
Mears Ltd, Brighton & Hove Housing Estate, Unit 1 Fairway Trading Estate	Eastergate Road	Brighton	BN2 4QL
Sussex County Cricket Ground	Eaton Road	Hove	BN3 3AN
10	Grand Parade	Brighton	BN2 9QB
90	Highdown Road	Hove	BN3 6EB
52	Kensington Place	Brighton	BN1 4EJ
Flat 27, Blackmore Court	Kingscote Way	Brighton	BN1 4GX
5 Arundel Court	Lansdowne Road	Worthing	BN11 5HQ
25	Lyndhurst Road	Hove	BN3 6FB
5	Marine Drive	Bishopstone, Seaford	BN25 2RT
Priory School	Mountfield Road	Lewes	BN7 2XN
Blatchington Mill School & Sixth Form College	Nevill Avenue	Hove	BN3 7BW
Hove Park School	Nevill Road	Hove	BN3 7BN
Healys LLP, 8 & 9	Old Steine	Brighton	BN1 1EJ
4	Powis Villas	Brighton	BN1 3HD
27	Sackville Gardens	Hove	BN3 4GJ
Worthing College, 1	Sanditon Way	Worthing	BN14 9FD
Brighton & Hove Jobs.com, 12-13	Ship Street	Brighton	BN1 1AD
Steyning Grammar School	Shooting Field	Steyning	BN44 3RX
KalliKids Ltd, Bishops House	South Road	Brighton	BN1 6SB
38	Stanmer Villas	Brighton	BN1 7HP
9	The Driveway	Shoreham	BN43 5GG

4 Temple Heights	Windlesham Road	Brighton	BN1 3AY
12	Winsford Grove	Abergavenny	NP7 0RL

Standard Letters of Support

Property Name / Number	Street	Town	Postcode
Unknown (x21)			
4	Abbey Close	Peacehaven	BN10 7SD
101	Abinger Road	Portslade	BN41 1SD
59	Abinger Road	Portslade	BN41 1SD
79	Addison Road	Hove	BN3 1TS
84	Alinora Avenue	Worthing	BN12 4LX
49	Amberley Drive	Hove	BN3 8JP
17	Argyle Road	Brighton	BN1 4QA
12	Ashcroft Close	Shoreham-by-Sea	BN43 6YR
3 Ashton Lodge	Ashton Rise	Brighton	BN2 9QR
16 Courtlands	Ashton Rise	Brighton	BN2 9QQ
Flat 1, Anscombe House, 21	Bannings Vale	Saltdean	BN2 8DB
70	Barnett Road		BN1 7GH
335	Bexhill Road	Brighton	BN2 6QL
240	Bexhill Road	Brighton	BN2 6QB
6 (x2)	Billam Terrace	Brighton	BN2 9NQ
98	Birdham Road	Moulsecoomb	BN2 4RR
17	Blackwell Road	East Grinstead	RH19 3HP
73a	Blatchington Road	Hove	BN3 3YG
4	Bonchurch Road	Brighton	BN2 3PH
97	Boundary Road	Hove	BN3 7GB
5	Bramble Way	Brighton	BN1 8GJ
16	Brigden Street	Brighton	BN1 5DP
The Parlour	Brighton Marina	Brighton	BN2 5UF
1	Bristol Rise	Brighton	BN2 5EU
21	Bristol Road	Brighton	BN2 1AP
10	Broadwood Rise	Broadfield	RH11 9SE
Flat 2, 25	Brunswick Place	Hove	BN3 1ND
42	Brunswick Road	Hove	BN3 1DH
50	Brunswick Street	Hove	BN3 1EL
7 Watling Court	Butts Road	Southwick	BN42 4DR
2	Byworth Close	Brighton	BN2 5HG
29 Carew Views, 30	Carew Road	Eastbourne	BN21 2JL

Propellernet Ltd, Castle Square House, 9	Castle Square	Brighton	BN1 1EG
Flat 4, 14	Cavendish Place	Brighton	BN1 2HS
2	Chailey Crescent	Saltdean	BN2 8DP
5A	Chailey Crescent	Saltdean	BN2 8DP
4	Charlotte Street	Brighton	BN2 1AG
2, Sweda Court	Chesham Street	Brighton	BN2 1NG
34	Chiltern Close	Shoreham	BN43 6LE
30	Chiltington Way	Saltdean	BN2 8HB
Cardens, 73	Church Road	Hove	BN3 2BB
Davenport Wealth Management, Linkline House, 65	Church Road	Hove	BN3 2BD
65	Church Road	Hove	BN3 2BD
60	Cissbury Crescent	Saltdean	BN2 8RJ
Flat 2, 15	Cissbury Road	Hove	BN3 6EN
12	Clarendon		BN3 3WS
4	Clarendon Villas	Hove	BN3 3RB
4	Colgate Close	Brighton	BN2 5QP
Flat 3, 31	College Road	Brighton	BN2 1JA
32	Compton Road	Brighton	BN1 5AN
14	Cornwall Avenue	Peacehaven	BN10 8PT
4	Cottage Close	Newhaven	BN9 0PQ
54	Cowley Drive	Woodingdean	BN2 6WB
24	Crayford Road	Brighton	BN2 4DQ
36	Cross Road	Southwick	BN42 4HF
79	Dale Crescent	Brighton	BN1 8NT
108	Ditchling Rise	Brighton	BN1 4QR
10	Downsview Drive	Wivelsfield	RH17 7QD
49	Dyke Road	Brighton	BN1 3JA
29	Dyke Road	Brighton	BN1 3JA
23	Eastbridge Road	Newhaven	BN9 0BU
Action Coach, 30	Eaton Place	Brighton	BN2 1EG
23	Ebenezer Apartments	Brighton	BN2 9AA
215	Elm Drive	Hove	BN3 7JD
7	Embassy Court	Kings Road	BN1 2PX
Flat 1, South Point	Emerald Quay	Shoreham-by-Sea	BN43 5JL
64	Essex Place		BN2 1LL
26 Blackmore Court, 3	Fenchurch Walk	Brighton	BN1 4GX
22 Melbourne	Findon Road	Brighton	BN2 5NL
26	Firle Road	Brighton	BN2 9YH
31	Florence Avenue	Hove	BN3 7GX
21	Frederick Gardens	Brighton	BN1 4TB
40 Furze Hill Court	Furze Hill	Hove	BN3 1PG
198	Gibbon Road	Newhaven	BN9 9ET

44	Gibbon Road	Newhaven	BN9 9EP
12b	Gladstone Terrace	Brighton	BN2 3LB
10	Glynn Rise	Peacehaven	BN10 7SG
35	Goffs Park Road	Crawley	RH11 8AX
Flat 7, Besson House	Gordon Close	Portslade	BN41 4LS
27	Gowin Road	Hove	BN3 7FQ
61	Graham Avenue	Patcham	BN1 8HB
Laurel House	Green Lane	South Chailey	BN8 4BT
35	Grinstead Avenue	Lancing	BN15 9DU
3	Hardwick Way	Hove	BN3 8BQ
99	Harmsworth Crescent	Hove	BN3 8BU
8	Harpers Road	Newhaven	BN9 9RR
7	Headland Close	Peacehaven	BN10 8TL
11	Henfield Way	Hove	BN3 8GY
38A (x2)	High Street	Lewes	BN7 2LU
Flat 81, St James House	High Street	Brighton	BN2 1QY
51	Hill Top Way	Newhaven	BN9 9TE
90	Hillcrest Road	Newhaven	BN9 9EZ
87 St James House	High Street	Brighton	BN2 1QY
45, Coniston Court	Holland Road	Hove	BN3 1JU
3	Hollingdean Terrace	Brighton	BN1 7HB
20, Bluebird Court	Hove Street	Hove	BN3 2TU
6	Howard Terrace	Brighton	BN1 3TR
1	Kensington Gardens	Brighton	BN1 4AL
17 Astra House	Kings Road	Brighton	BN1 2HJ
1 Dorset Court, 211-213	Kingsway	Brighton	BN3 4FD
132	Ladysmith Road	Brighton	BN2 4EG
6	Limney Road	Brighton	BN2 5QS
15	Lincoln Avenue	Peacehaven	BN10 7JR
Flat 25, 5	Little Preston Street	Brighton	BN1 2HQ
47	Lorna Road	Hove	BN3 3EL
7	Lorna Road	Hove	BN3 3EL
Debt Rescue, Units 1 & 2 Mays Farm	Lower Wick Street	Selmeston	BN26 6TS
6	Lustrells Vale	Saltdean	BN2 8FE
10d	Maldon Road	Brighton	BN1 5BD
1	Manor Place	Brighton	BN2 5GG
12	Meadow Drive	Henfield	BN5 9FF
36	Montpelier Road	Brighton	BN1 3BD
54	Moyne Close	Hove	BN3 7JY
252	New Church Road	Hove	BN8 4EB
43	Newick Road	Brighton	BN1 9JL
10	Norfolk Mews	Brighton	BN1 4PH
Crawford Cottage	North Common	North Chailey	BN8 4ED
Paddock Homes Joinery	North End Farm, Cuckfield Road	Hurtstpierpoint	BN6 9HT
93	North Road	Brighton	BN1 1YE

1	Nyetimber Hill	Brighton	BN2 4TL
36	Offington Drive	Worthing	BN14 9PN
5	Old School Place	Hove	BN3 7FY
247	Old Shoreham Road	Portslade	BN41 1XR
Flat 6, 8	Oriental Place	Brighton	BN1 2LJ
29/32	Oriental Place		BN1 2LL
15	Pankhurst Avenue	Brighton	BN2 9YP
15	Park Crescent	Rottingdean	BN2 7HN
101	Portland Road	Hove	BN3 5DP
286a	Portland Road	Hove	BN3 5QU
65	Poynings Drive	Hove	BN3 8GR
1	Poynings Drive	Hove	BN3 8GF
Circus Circus, 2	Preston Street	Brighton	BN1 4QJ
17	Preston Street	Brighton	BN1 2HN
50	Queens Park Rise	Brighton	BN2 9ZF
113	Queens Road	Brighton	BN1 3LG
64	Regency Square	Brighton	BN1 2FF
40	Reigate Road	Reigate	RH2 0QN
100	Riley Road	Brighton	BN2 4AH
EMC Management Consultant, 48	Rochester Gardens	Hove	BN3 3AW
60	Rushey Hill, The Highway	Peacehaven	BN10 8XY
Flat 2, 44	Sackville Road	Hove	BN3 3FD
22	Sandgate Road	Brighton	BN1 6JQ
23	Saunders Port View	Brighton	BN2 4AY
23	Seaview Road	Peacehaven	BN10 8PY
34a	Second Avenue	Newhaven	BN9 9HN
5	Selham Place	Coldean	BN1 9EW
11	Sevelands Close	Brighton	BN2 5QU
7	Sevenfields	Burgess Hill	RH15 9XE
Elephant, Units 1 & 6	Sewells Farm	Barcombe	BN8 5FH
2-7	Ship Street	Brighton	BN1 1AD
65	Shirley Drive	Hove	BN3 6UB
55	Shirley Drive	Hove	BN3 6UB
21	Southall Avenue	Brighton	BN2 4BA
38	St Andrew Road	Portslade	BN41 1DE
41	St Richards Road	Portslade	BN41 1PA
32	Stanford Road	Brighton	BN1 5DJ
17 Orchid View	Stanmer Heights	Brighton	BN1 8GP
80	Stapley Road	Hove	BN3 7FF
28b	Station Road	Portslade	BN41 1GB
9b	Sten Avenue	Peacehaven	BN10 8LT
Arun Court	Stoney Lane	Shoreham	BN43 6LZ
54	Tamworth Road	Hove	BN3 5FH
12	The Drive	Brighton	BN2 3UP
44	The Strand	Worthing	BN12 6DN

Flat 21, 43	Tisbury Road	Hove	BN3 3BL
47	Toronto Terrace	Brighton	BN2 9 UW
22a	Totland Road	Brighton	BN2 3EN
4	Tyson Place	Brighton	BN2 0JQ
Kingslake House, 1-5	Union Street	Brighton	BN1 1HA
GFF, 18	Vale Road	Portslade	BN41 1GF
9	Varndean Holt	Brighton	BN1 6QX
16B (x2)	Ventnor Villas	Hove	BN3 3DD
58	Walsingham Road	Hove	BN3 4FF
15	Wannoch Road	Eastbourne	BN22 7JT
54	Warren Way	Telscombe Cliffs	BN10 7DJ
Flat 5, 9	Warwick Gardens	Worthing	BN11 1PE
12, Avalon	West Street	Brighton	BN1 2RP
3	Western Road	Newhaven	BN9 9JS
31	Whitelot Close	Southwick	BN42 4YQ
Flat 14, 45	Wilbury Avenue	White Lodge	BN3 6HT
73a	Willow Way	Hurstpierpoint	BN6 9TJ
1	Woodland View, Green Road	Wivelsfield Green	RH17 7QD
5	Woods Ground, Eastern Road	Wivelsfield	RH17 7QE

27th November 2013

Planning Dept
Brighton and Hove City Council
Hove Town Hall
Norton Road

Dear Sirs,

Application BH2013/01600

I write in my capacity of ward councillor for St Peter's and North Laine, along with Cllr Pete West, to formally voice our objection, on behalf of local residents, to the granting of permission for the development of City College.

While we would like in principle to be able to support City College in their endeavours to provide the best possible facilities for students and the wider community, we believe that the proposals should be refused in their current form.

The material considerations that we would like to draw to the Planning Committee's attention are as follows. There are many other factors that have also been drawn to your attention by other objectors, and I would ask you to consider these also.

1. Financial Viability

The development of an education facility is not financially viable without the inclusion of 442 student accommodation units. This is in direct contravention of **Item CP21 of the City Plan** which allows for 300 places. City College intends to add to that figure by 50%. This accommodation is not intended for City College students and will not enhance their education in any way. It is simply a profit-motivated addition, without which the development would not be financially viable.

The private dwellings incorporated in the proposals do not include any social or affordable housing. This is again in contravention of the council's City Plan, and adds to the argument that the only way in which the proposals can be financially viable is by flouting the values of the City Plan.

2. Student Density

Student density in this small area should be seen in the context of the immediate vicinity – permission for 350 student units has already been granted in nearby London Road Co-op building, 486 are planned for Circus Street, 80 at the former Buxtons site plus 400 already at Bellerby College. It is inevitable that a concentration of over 1,700 young people living away from home within a small



**Brighton & Hove
City Council**

PLANS LIST – 11 DECEMBER 2013

COUNCILLOR REPRESENTATION

area will have an impact. Residents are extremely concerned that noise and disruption, which has already caused the area to become a cumulative impact area due to current unacceptably high levels of late night disturbance, will be exacerbated.

The application does not address how this will be tackled. While there are documents on the management of the student accommodation there is nothing on controlling late night noise. This is noted by Steve Tremlett of the Planning Policy Team in a comment dated 7th August that: *"the potential concentration of student accommodation in this area is a consideration. The Student Residential Management Plan submitted to support the application should clearly demonstrate how the potential for harmful impacts on residential amenity resulting from the increased provision will be minimised."* However, the fact remains that, while a management plan can control behaviours on site, it can do nothing to control behaviours beyond the college campus.

Both London Road and North Laine could suffer economically as a result of such high student density, with the potential for a proliferation of fast food outlets, at a time when the council is working very hard to make London Road a more attractive retail offer.

The local community simply cannot sustain this number of student units in addition to the high level of HMOs already in the area. It should be noted that the Richmond House development in nearby Roundhill was twice rejected by Planning Committee for just these reasons, and the student accommodation element of City College should be seen in the same way.

3. Over Development

The height and mass of the proposed buildings, which immediately abut the North Laine conservation area, is an over development that will severely adversely affect the character of this conservation area. This view is supported by the Conservation Advisory Group (CAG) as well as the North Laine Community Association.

The development does not comply with a number of council policies. **HE6, QD1, QD2, QD4 and QD27** require planning applications within or affecting a conservation area to: preserve or enhance the character or appearance of the area; proposals for new buildings should demonstrate a high standard of design; new developments to emphasise and enhance the positive qualities of the local neighbourhood; planning permission should not be granted where it would cause material nuisance and loss of amenity to the existing and proposed residents.

Committee members will have seen the effect of the permanently looming presence over the low-rise North Laine area. This will far outweigh any potential benefits of the demolition of Pelham Tower, as a 12-storey building some distance away is to be replaced by a 10-storey building immediately adjacent to the North Laine.



4. Loss of Education Space

The current educational space of 38,368m², is set to reduce to 20,256m² in the new development. Within the context of rising birth-rate and population, and the current pressure on primary school places throughout the city, it is acknowledged that this will shortly lead to a shortage of secondary school places. I would urge the Committee to consider whether this proposed reduction in educational space will adequately meet the future needs of the city.

While City College maintain that less space is required for modern teaching methods, the fact remains that classroom interaction remains a vital element of education. We maintain that the real reason for reduced education space is to enable the development of unrelated buildings in order to pay for it, and hence the over-development of this small site, yet compromising on the real purpose of the proposals.

5. Loss of Sunlight to adjoining properties

Loss of sunlight to all windows in the rear of Nos 87-91 Trafalgar Street would not meet BRE Guidelines. Vertical sky components with the new development in place would range from 11-23%, between 0.85 and 0.73 times their existing values. In total 20 windows would have a significant loss of light outside the BRE guidelines. This would be a significant loss of light. 45-47 Cheapside will also be adversely affected as “the winter sunlight hours with the new development in place would be less than 5% and less than 0.8 times the value before” (**BRE Review of Daylight and Sunlight Chapter of Environmental Statement**)

The BRE Report also outlines concern for the daylighting of the new buildings stating that “most (of the rooms in the new residential development) do not meet the guidelines in the British Standard Code of Practice for daylighting BS8206 Part 2.

6. Antisocial behaviour in the car park and Whitecross Street

Policy QD27 of the Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The narrow alleyway that will run eastwards from Whitecross Street will act as a magnet for antisocial behaviour on London Road as well as Whitecross Street and the proposed public square. Its inclusion in the plans has caused concern to Sussex Police, as outlined in the letter of 15th July 2013, from the Crime Prevention Design Adviser, which states:

“I question whether the proposed route is fit for purpose and indeed necessary, when there is adequate access into the square from Redcross



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Street in addition to the access at Pelham Street. This approach ensures that the entry points into the development provide good active frontages with the public areas benefitting from being overlooked.”

There is likely to be a case of material nuisance and loss of amenity to the local residents in Trafalgar Street and Whitecross Street from the proposed public square, which will have 24-hour open access and no supervision once the college is closed in the evenings. This is to be sited on the current car park, which has long been the subject of complaints of antisocial behaviour at night, by residents whose bedrooms overlook it. City College has not shown any ability to control such antisocial behaviour which has continued for many years. If City College has shown itself incapable of controlling antisocial behaviour on its property up until now, residents fear there is little to suggest that it will be able to do so in the future and with the new development.

7. The construction phase

The construction impacts in the Environmental Impact Assessment (EIA) are material planning considerations in so far as the EIA is itself a material planning consideration. The construction phase will last at least four years with piling lasting more than 20 weeks. The impact on local residents of the noise and dust will make the lives of those who live close by intolerable. The impact on the mid-19th houses of Trafalgar St from the heavy piling could be potentially devastating.

In conclusion, we believe that this is an overly dense development which will be detrimental to local residents. The long term education benefits to the wider city are also questionable given that they afford less space than existing, despite a growing population. It is not financially viable in its own right, and relies on serious contraventions of the Local Plan, City Plan, and North Laine Heritage policies, in particular further cumulative impact of student density and lack of affordable housing, to enable it to be built.

Yours sincerely

Cllr Lizzie Deane
Cllr Pete West