

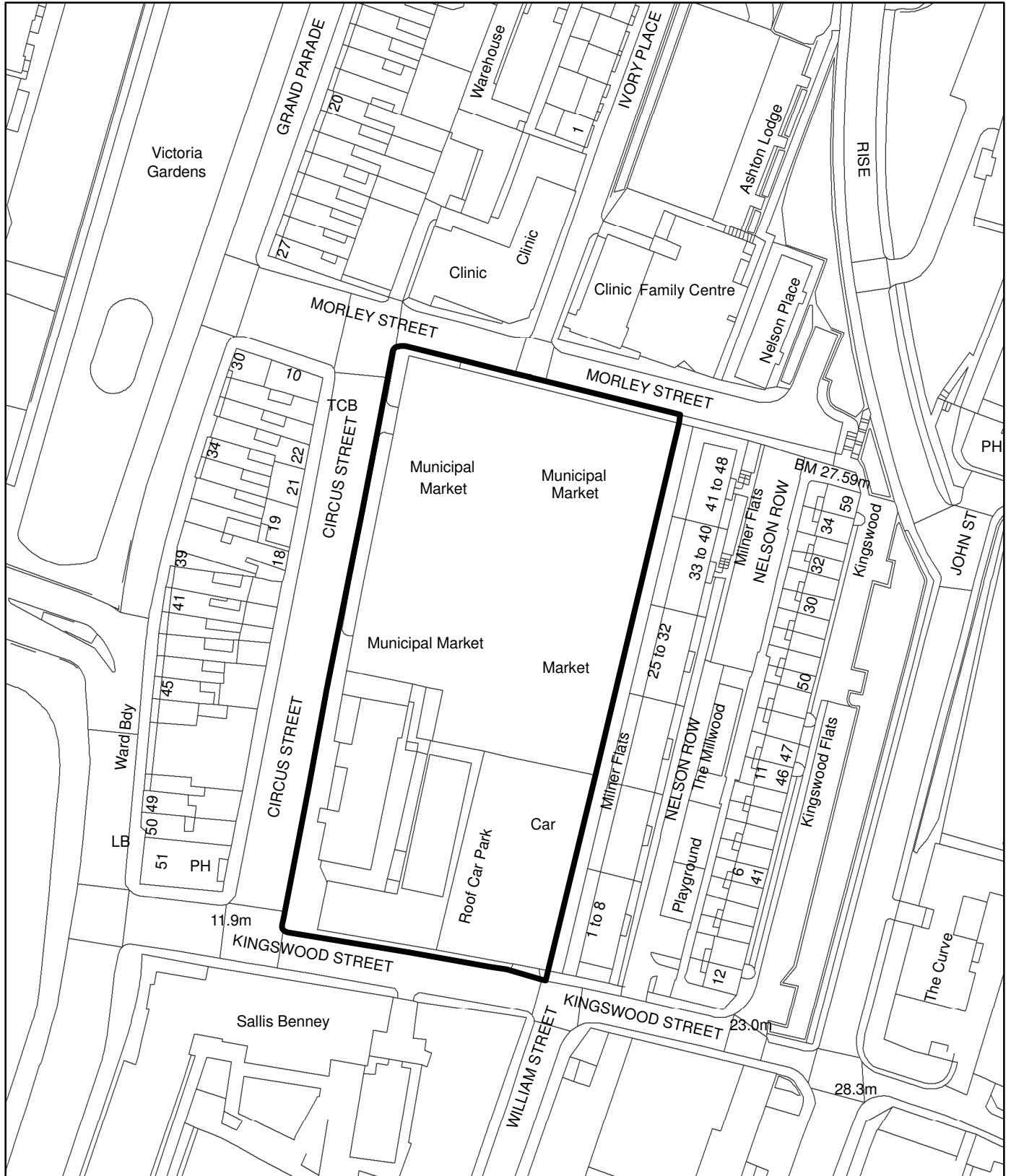
ITEM A

**Circus Street Development, Former
Wholesale Market (including 7 Morley
Street), Brighton**

**BH2013/03461
Full planning**

17 SEPTEMBER 2014

BH2013/03461 Circus Street Development, Former Wholesale Market (including 7 Morley Street), Brighton.



<u>No:</u>	BH2013/03461	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Circus Street Development Former Wholesale Market (including 7 Morley Street) University of Brighton Annexe Building and The Wood Store Circus Street together with Kingswood Street Car Park Brighton		
<u>Proposal:</u>	Demolition of existing buildings and replacement with a mixed use development comprising of: a part 5 (6 storey equivalent)/part 7 storey University of Brighton Library and Academic Building (Use Class D1); a 3 storey (4 storey equivalent) Dance Space building (Use Class D2); a 7 storey office building (Use Class B1 incorporating a maximum of 1,360 sq. m Gross Internal Area (GIA) of office Class B1 office, research and development space); student accommodation (Sui Generis) providing up to 450 bed spaces in 4 buildings (Student Cluster E and G part 6/part 8 storey, Student Cluster F part 6,7 and 8 storey and Student Cluster H part 6/part 13 storey (with recessed top 13th storey)); 142 residential apartments (Class C3) consisting of 57 x 1 bed, 81 x 2 bed and 4 x 3 bed units in 4 buildings (Building A part 7/part 10 storey, Building B part 7/part 8 storey and Buildings C and D both 6 storey); with ancillary retail (A1) café/restaurant (A3) and/or commercial (B1) within the ground floor of part of student cluster buildings G and H, part of office building and part of residential buildings A, B, C and D; new public realm and associated infrastructure including provision of 38 undercroft parking spaces below the student cluster buildings (including 16 on-site disabled parking spaces), on site cycle parking, and highway works including a narrowing in width of Circus Street.		
<u>Officer:</u>	Kathryn Boggiano/Mick Anson	<u>Valid Date:</u>	22 October 2013 Tel 292138/292354
<u>Con Area:</u>	Adjacent to Valley Gardens	<u>Expiry Date:</u>	11 February 2014
<u>Listed Building Grade:</u>	Within setting of Grade II listed properties at 30-35; 37-38; 46; 47 Grand Parade		
<u>Agent:</u>	NTR Planning, Clareville House , 26-27 Oxendon Street, London SW1Y 4EL		
<u>Applicant:</u>	Cathedral (Brighton) Limited, Rob Sloper, St Thomas Church, St Thomas Street, London, SE1 9RY		

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 has a total area of 0.98 hectares and is bounded by Circus Street on the west side, Kingswood Street on the south side, Morley Street on the north side and Carlton Row to the east. The site comprises the former Wholesale market, the University of Brighton Annexe and an open deck 52 space car park. The red line of the site boundary also includes parts of Circus Street, Morley Street and Kingswood Street highways but does not include the Carlton Row footway which links Kingswood and Morley Streets on the east boundary of the application site.
- 2.2 The Council owned vacant Wholesale market occupies the northern section of the site and mainly comprises a 9 metre high large single storey warehouse type building with some ancillary accommodation at first floor level. The building fronts onto Circus Street and Morley Street. A number of large vehicular doors and openings are present on the Circus Street elevation which were formerly used for servicing and deliveries and for individual market stalls. A concrete canopy also runs along the length of Circus Street. The Wholesale market ceased operating in 2005 and the building has mostly been vacant until 2013 when the applicant began using the site for consultation events, exhibitions, festivals and a permanent bike hub and community uses.
- 2.3 The University of Brighton Annexe is still occupied by the Faculty of Arts and comprises a four storey brick built building with a pitched roof in the south west quarter of the site. The south west corner of the site provides access to an open yard occupied by "The Wood Store" which is used for the recycling, manufacturing and sale of timber products. The business also occupies part of the wholesale market building to the rear of the University Annexe.
- 2.4 The south east corner of the site is occupied by a raised open deck public car park with 52 spaces that is owned by the City Council and is accessed from Kingswood Street.
- 2.5 The topography of the site is such that it rises steeply from Valley Gardens to the east with a difference in site levels of approximately 7.5 metres from the west to the east boundary. Adjacent to the east boundary, the Carlton Row footpath overlooks the top of the market building and car park separated from the application site by 2 metre high steel railings. The footpath is not adopted Highway nor a Right of Way but allows access to the Milner flats. The flats are a Council owned 4 storey block built in 1937 which are mostly tenanted. The brick built block with slate hung mansard roof extends parallel to the whole length of the site between Morley Street and Kingswood Street. The flats have a dual aspect with an eastern outlook to the rear across to the Kingswood flats which are positioned further to the east up the hill.
- 2.6 Opposite to the north of the site on Morley Street are a variety of two or three storey community buildings including the Clinic and Children's Welfare Centre and the Tarner Children's Centre, along with a three storey block of flats at the top of Morley Street opposite the Milner flats. A two storey nightclub also occupies a plot opposite Circus Street but this is currently vacant.
- 2.7 On the opposite side of Circus Street from the southern end is the rear of a three storey public house (The Blind Tiger Club), a two storey business unit, a five storey

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

office occupied by the Probation Service, a series of garages, one with residential at first floor, a café (The Market Diner), some two storey dwellings and a three storey purpose built block of flats on the corner with Morley Street.

- 2.8 Opposite the site on Kingswood Street is the three storey University of Brighton Grand Parade Faculty of Arts building.
- 2.9 In the wider context of the site, to the west are the historic Grand Parade buildings of which Nos. 26-27; 30-35; 37-38; 40-41; 46-47 are Grade II Listed which front onto Valley Gardens. These properties are within the Valley Gardens Conservation Area.
- 2.10 To the east up Carlton Hill is the John Street Police Station and the AMEX Headquarters office. To the north east of the site are various municipal residential blocks of flats including some in the middle distance on Grove Hill and Ashton Rise which are 12 storeys in height forming a backdrop for the site.
- 2.11 Further east of the site beyond the Kingswood flats is the Carlton Hill Primary School and up to the crest of Carlton Hill is the Carlton Hill Conservation Area.

3 RELEVANT HISTORY

BH2013/01110: Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts, cultural and other community activities (D1 and D2), business enterprise pods (B1) for local start up firms, and ancillary café (A3), removal of part of roof structure to allow for provision of community garden. Approved 19 July 2014.

BH2012/03131: Change of use for temporary period of two years from wholesale market (sui generis) to retail (A1), cultural /and community uses (D1) and (D2) and some ancillary café and restaurant (A3) uses. Approved 27 December 2012.

BH2010/00143: Change of Use of vacant market building for temporary (period of 2 years) Class D1 and D2 cultural and community uses and small scale ancillary Class A1, A3 and B1 uses. Approved 18 March 2010.

BH2007/03589: Change of use of vacant market building for temporary (period of two years) Class D1 and D2 Cultural and Community uses and small scale ancillary Class A1, A3 and B1 uses. Approved 17 December 2007.

BH1998/01493/OA Demolition of existing buildings and erection of 55 units of affordable housing (15x 2/3 bed town houses, 25 x 2 bed flats, 9 x 1 bed flats, 6 x studio flats) with 9 integral garages 60 decked spaces and 5 surface spaces. Approved 28 October 1998.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of all buildings on site along with the car park and for the redevelopment of the site comprising the following:

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Residential

- 4.2 142 flats (57 x1 bed; 81 x2 bed; 4 x3 bed) in four buildings A, B, C and D. Building A would be part seven part ten storeys, Building B part seven, part eight storeys and Buildings C and D would both be six storeys. Commercial units (A1 retail, A3 café/restaurant, B1 business) are proposed at the ground floor.

Student Accommodation

- 4.3 450 student bed spaces proposed in four buildings E, F, G and H. Buildings E and G would be part six and part eight storeys, Building F would be part six, part seven and part eight storeys and Building H would be part 6 and part 13 storeys. An undercroft car park is also present below buildings E, G and F which is at ground level or basement level at different areas of the site due to the change in levels. This results in part of Building E appearing as nine storeys above Morley Street. A cycle store is proposed below the eastern half of Building H. Two commercial units are proposed at the ground floor (A1 retail and A3 restaurant).

Office

- 4.4 A seven storey building is proposed on the south western corner of the site which would accommodate 3,300 m² of B1 floorspace (Gross Internal Area), plus two commercial units at ground floor (A1 retail and A3 restaurant).

Academic & Library Building

- 4.5 A part six, part seven storey building is proposed which would provide accommodation for the University of Brighton and would include a publically accessible library. Total floor area would be 4,566 m² of D1 floorspace (Gross Internal Area).

Dance Studio

- 4.6 A three storey (plus mezzanine floor) building is proposed which would accommodate space for South East Dance and would accommodate 1,211 m² of D2 floorspace (Gross Internal Area).

Car Park

- 4.7 Residential: 9 standard, 10 disabled parking spaces.
Office: 13 standard, 6 disabled spaces.

Public realm

- 4.8 New public square (Event Square), public realm improvements to Circus Street, Morley Street, Kingswood Street and off site at Carlton Row. Three shared amenity spaces proposed.

- 4.9 Amended plans were submitted formally on the 25th July 2014 as part of the application and a summary of the main changes are included below:

4.10 Residential

- Minor changes to façade detailing and roof to distinguish Building A tower element from the remainder of the block. Minor changes to window sizes on other buildings.

4.11 Student accommodation

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Reduction in number of units from 486 to 450.
- Reduction in height from 14 to 13 storeys of Building H with façade design changes. Six storey element pulled away from eastern boundary by 0.4m and tower section set back a further 2.8 metres from the eastern boundary.
- Siting of Building F pulled away from eastern boundary by 1 metre and elevational changes to all student buildings to provide a less opaque appearance to the elevations.
- Introduction of a recessed seventh floor level to Building F.

4.12 Office Building

- Reduction in footprint by 3.6m from eastern side.
- Set back of top fifth floor level by two metres on all sides and amendment to roof profile.
- Main entrance relocated to Kingswood Street frontage.

4.13 Academic/Library Building

- Set back 3.6 metres further away from eastern boundary down Carlton Hill.
- Removal of half of the top storey and other massing changes.
- Section of floor plan at south east corner removed.
- Changes to the façade detailing and the number of openings.

4.14 Dance Studio

- Minor changes to façade glazing detailing.

4.15 Car park

- Amendments to the mix of parking, with a reduction in standard office parking and an increase in disabled parking provision for the residential and office uses.

Residential Buildings A to D

4.16 Buildings A-D would be arranged clockwise in the North West quartile of the site. An area of shared amenity space ('Circus Court') measuring 530 sq metres would be located in the middle of Blocks A, B, C and D.

4.17 Building A (27 flats)

- Ground floor: Retail unit (Use Class A1), ancillary/communal space, entrance lobby/core, cycle parking, bin store and plant room.
- First to sixth floor plans: 2 x one bed flats and 2 x two bed flats (with balcony) on each floor.
- Seventh to eight floors: 2 x two bed duplex flats split over the two floors (with balconies).
- Ninth floor: 1 x two bed penthouse with roof terrace.

4.18 Building A is located on the north west corner of the site at the junction of Circus Street and Morley Street. The ten storey element would be at the corner and would have a modern rectangular design with large rectangular windows and would be clad in white coloured tile with smooth white fascia panels and white steel balconies. The top floor would be a recessed rectangular shape with timber and metal cladding with large areas of glazing. The 7 storey element of Building A would front Morley Street. Part of the building would be similar in appearance to the adjacent ten storey element

but adjacent to that the taller seven storey element would take on a 'townhouse' appearance.

4.19 The 10 storey element would be 32 metres high from the Circus Street footway and the seven storey element would be 25.5 m high to the ridge from its Morley Street footway. The frontage onto Circus Street would be 12.1m and the Morley Street frontage would measure 22.5m. The main entrance lobby could be accessed from both Morley Street and Circus Street.

4.20 Building B (70 residential flats)

- Ground floor: 8 x one bed units, bin store, 3 x entrance lobbies/cores, one retail/cafe unit (Use Class A1/A3).
- First to fifth floors: 4 x one bed flats and 6 x two bed flats (all with balconies).
- Sixth floor: 2 x one bed flats, 2 x two bed flats, 2 x two bed duplex flats, 4 x three bed duplex flats (all with balconies).
- Seventh floor: 2 x two bed flats plus the upper floor of the sixth floor duplex (all with balconies).

4.21 Building B would be located in the central half of the site and would be a 'spinal' building running through the middle of the site orientated north – south. The north end would front onto Morley Street whilst the southern end would face onto the Event Square.

4.22 The appearance of Building B is in a 'townhouse' style with tall narrow gable fronted roof elements with dark coloured standing seam zinc roofs. The elevations would be vertical black stained timber weatherboarding with vertical subdivisions in cement panels with shiplapped façade. The façades would have columns of large aluminium windows with a mix of balconies and Juliette balconies with glass balustrades. The gables would have triangulated windows in the roof space. As amended the ends of the block would have the roof profiles turned to present as gables to Morley Street and into the Event square at the southern end.

4.23 Building B would be eight storeys in height with a gabled roof on the Morley Street elevation. The 'spinal' part of the building would also be eight storeys in height, however the top floor accommodation would be set within the gabled roofs. The southern end of the building would be seven storeys in height. The building would be approximately 25 metres in height at the southern end, 26 metres in height for the middle section and 28 metres in height on the Morley Street frontage. The building would be 72 metres in length and 12 metres in width. There would be three entrances and lift cores which could be accessed from both the east and west sides. The retail unit would be located at the south end of the building and would front onto the Event square.

4.24 28 affordable housing units would be located within the ground, first and second floors of Building B.

4.25 Building C (15 residential flats)

- Ground floor: 2 x retail/cafe units (A1/A3), bin store, plant room, one main entrance lobby/core.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- First to fifth floors: 2 x two bed flats and 1 x one bed flat per floor each would have a balcony.
- 4.26 Building C would be 6 storeys in height with a pitched roof fronting onto Circus Street and together with Building A would 'bookend' Building D which would also front Circus Street. The footprint of Building C would measure 23 x 12.2 metres and it would be 23.5 metres in height measured from Circus Street. The style and materials proposed are identical in appearance to Building B and would consist of the modern 'townhouse' design with dark stained timber cladding materials. One retail unit would front onto Circus Street and one would front onto the pedestrian route which links Circus Street with the Event square.
- 4.27 Building D (30 residential flats)
- Ground floor: Four business units (B1 units), plant room, bin store, two main entrance lobbies/cores.
 - First to Fifth: 2 x one bed flats and 4 x two bed flats (all with balconies).
- 4.28 Building D would front onto Circus Street and would be six storeys in height. Again this building would have a townhouse design matching buildings C and D. The side elevations would be clad in reflective mathematical hung tiles and the end residential units would have a dual aspect and each unit would have a balcony either facing east onto the communal garden or west onto Circus Street. The length of the building would be 44.5 metres and the width 12.2 metres. One entrance lobby is accessed from Circus Street with the other being accessed from the rear (east elevation).

Student Accommodation Buildings E to H (450 bed spaces)

- 4.29 The student accommodation would be located in four buildings E, F, G and H which would be sited along the eastern edge of the site. A reduced total of 450 bed spaces are proposed. The car park is located beneath buildings E, F and H. A landscaped amenity area ('Woodland edge') measuring 572 sq m would be defined by Blocks E, F and G and residential block B opposite.
- 4.30 Building E (88 student bed spaces)
- Ground floor: part of the car park including vehicular access and plant with one main entrance lobby/core.
 - First to sixth floor: 4 x studios and 1 x eight bed clusters on each floor.
 - Seventh to eight floor 1 x eight bed clusters on each floor.
- 4.31 Building E would be orientated east-west and would be part six, part eight storeys in height. The entrance to the flats would be located on Morley Street, along with the vehicular access to the car park. The length of the building along the Morley Street frontage would be 23.8 metres and its width facing the Milner Flats would be 13 metres. The west elevation of Building E would be sited approximately 4 metres east from Building B and would be sited between 12.2 and 13.2 metres west of the Milner Flats.
- 4.32 The six storey element of the Morley Street elevation would consist of red brick whilst the eastern part of the eight storey element has been amended to replace or break up the extensive brickwork with oriel bay windows with timber opening vents sited in-between. A separate element of the elevation would have aluminium framed glazed

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

screens and vertical aluminium fins. The southern elevation would be a mirror image of the Morley Street north elevation. The eight storey element is sited on top of the proposed car park, which results in the building being nine storeys in height at the Morley Street (north) end. However, due to the difference in levels the car park entrance would be accessed from street level on Morley Street. The building would be at a height above existing pavement of 26 metres at the western end and 17 metres at the eastern end. Two large flues would also be sited on the Morley Street elevation to serve the Combined Heat and Power (CHP) unit and these would terminate 3 metres above the ridge.

- 4.33 The west elevation would consist of brick with a central glazed section. The seventh and eight storeys of the east and west elevations would be in brick with a central aluminium panel.
- 4.34 Building F (168 student bed spaces)
- First floor: 2 x five bed clusters (which include 2 wheelchair accessible bedrooms) and 2 x 6 bed cluster.
 - Second to sixth floor: 4 x six bed clusters.
 - Seventh floor: 2 x eight bed clusters.
 - Eight floor: 2 x 5 bed clusters.
- 4.35 Building F would be located in between Buildings E and G and would have a linear north-south orientation. Building F would be part six, part seven and part eight storeys, and would step up in height from the east flank away from the Milner Flats. As with Buildings E and G it would be sited on top of the car park.
- 4.36 The end elevations (north and south) would consist of a brick façade with a column of aluminium panelling in the middle of the six and eight storey sections. The ends of the seventh storey element would be set in 2.4m from the north and south flanks and would be clad in anodised aluminium fins.
- 4.37 The west elevations would consist of a brick base with four sets of three columns of oriel windows which are separated by three sets of glazing with anodised aluminium fins over. The east facing façade has a similar treatment for the first six storeys. However the seventh and eighth storeys would be clad in anodised aluminium fins with glazed infills.
- 4.38 The length of the linear building would be 43.5 metres and its width would be 13.2 metres. The building would be between 12.4 and 14.2 metres away from the Milner Flats. The main entrances would be located on the eastern side.
- 4.39 Building G (88 student bed spaces)
- Ground floor: Retail/café units (Use Class A1/A3), plant room and part of car park.
 - First to Sixth floor: 4 x studios and 1 x eight bed clusters on each floor.
 - Seventh to Eight Floor 1 x eight bed clusters on each floor.
- 4.40 Building G would be south of Building F and would be sited to act with Building E as 'bookends' for Building F. The footprint and layout of the building would be identical to Building E (described above). This building would be approximately 10 to 10.6

metres away from the Milner Flats. The main entrance would be located on the northern side.

4.41 Building H (106 student bedspaces)

- Ground floor: Retail/cafe unit (Use Class A1/A3), one entrance lobby/core, student cycle parking.
- First floor: Student services lounge, reception/office, laundry 1 x six bed cluster.
- Second to sixth floor plan: 4 studios, 1 x eight bed clusters on each floor.
- Seventh to eleventh floor: 1 x eight bed clusters on each floor:
- Twelfth floor: communal lounge and roof terrace.

4.42 Building H would be sited south of Building G and would be part 13 storeys part six storeys. The elevations have been significantly amended since submission of the application. The west elevation would front onto the proposed Event square with a retail unit at the ground floor. From the second floor to the eleventh floor on the western elevation, the façade would incorporate four columns of projecting 'canted' bays with glazing either side. This design is also incorporated into the other elevations. The north and south elevations also incorporate more solid sections of the façade which are treated with aluminium sills and vertical mullions. The top twelfth floor (13th storey) is recessed back from the parapet on all sides but also includes the 'canted' bay columns which would align through all of the floors down to second floor level.

4.43 The six storey element of the east elevation consists of a brick base with four columns of oriel windows with timber opening vent panels. This design matches that of the east elevation of the other six storey student buildings.

4.44 **Academic Building/Library 4,566 m²**

- Lower Ground floor: Double height foyer and lecture theatre, café/bar and plant rooms.
- Ground floor: Void over the double height foyer and lecture theatre foyer and double height exhibition space.
- First floor: Void over exhibition space, library and study space.
- Second and Third floors: Library and study space.
- Fourth floor: Seminar spaces
- Fifth floor (part floor): Study pods and seminar space, external roof terrace and photovoltaics on part roof.
- Sixth floor: Small mezzanine floor with study space.
- Roof (part): Green roof over fifth floor and mezzanine.

4.45 The Library/Academic Building would be located on the south eastern corner and would front onto Kingswood Street. The building has seven storeys of accommodation plus a small mezzanine level. The scheme has been amended so that the building is sited 3.6 metres further to the west which would result in a separating distance of between 13.6 and 14.6 metres between the Milner Flats and the proposed building. In addition, half of the top fifth floor has been removed on this side and the south east corner element has been set back and re-modelled.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 4.46 The footprint of the library would be roughly square in a modern design featuring a triangulated sloping roof which would slope downwards to the east over half of its footprint leaving a flat roof on the other half following the reduction in the top floor area. A drum shaped lift overrun would also provide access to the roof with a narrow terrace which would wrap around the elevation of the triangulated roof and lift overrun.
- 4.47 Due to the difference in levels on the site, the building would appear as eight storeys at the western end of the Kingswood Street elevation and part five, part six storeys at the eastern end. The building would have a frontage of approximately 30 metres onto Kingswood Street.
- 4.48 The east and west frontages would be 27 metres wide and the north elevation would face into the Event square. Additional openings have been added to the lower ground and ground north facing elevation which would face into the Event square. The separating distance between the library and the office block would still be 4.3m following the amendments where the south pedestrian access would lead into the square.
- 4.49 The main entrances into the Academic/Library Building would be on its west side opposite the office and close to the Event square. There is also a smaller entrance to the west on Kingswood Street which gives direct access to the café. An entrance would also be located at the eastern end of the Kingswood Street elevation which would provide direct access into the exhibition space. This entrance will become more prominent following the re-siting of the library with a more welcoming landscaped open space in front.
- 4.50 The elevations have a strong vertical emphasis with large format windows also vertical in nature to correspond with the large elevations. A secondary window format of large rectangular areas of frameless windows with vertical fins designed to provide light to areas of study and exhibition areas and to break up the vertical emphasis to some extent. These windows are designed to minimise solar glare. The elevations would be constructed in a cast stone product for longevity and which the applicants consider to be appropriate for a civic building.
- 4.51 **Office (3,300 m² of B1 space plus ground floor A1 and A1/3)**
- Ground floor: 1 x flexible retail or café unit (Use Class A1 or A3), 1 x retail unit (Use Class A1). Entrance lobby/core for offices, bin store, cycle store, plant, lockers and disabled W.C.
 - First and second floors: Flexible working space (up to 12 separate offices), meeting room, kitchen and reception at each floor.
 - Third to fifth floors: Large office on each floor.
 - Sixth floor: Large office and plant.
- 4.52 The Office Building would be sited in the south western corner of the site and would front both Circus Street and Kingswood Street. The main entrance/core to the office accommodation would be accessed from Kingswood Street. Also at the west side of the ground floor is a flexible retail/café unit (Use Class A1 or A3) which is accessed from either Circus or Kingswood Street. On the east side another retail unit (Use

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Class A1) is proposed which would be accessed from Kingwood Street or near to the public square.

- 4.53 The office building is seven storeys and consists of a modern six storey rectangular block with plain and simple white coloured elevations featuring large rectangular windows with deep reveals. The top storey (seventh storey) would feature a glazed 'greenhouse' design set from the parapets on all sides with a glazed valley design with 3 ridges running north-south. The simple design has a functional purpose to be able to provide flexible occupation within to meet occupiers' needs.
- 4.54 Following amendments, the office has been reduced in size by removing a column of windows adjacent to the library and recessing the glazed roof two metres back on all sides. The office would have a width of 26.1 metres on the Kingswood Street frontage and 22.5 metres on the Circus Street building. The height of the building on the Kingswood Street elevation would be between 23.2 and 24 metres in height to the top of the six storey parapet and between 27 to 28 metres to the top of the ridge of the seventh storey. On the Circus Street elevation would be 24 metres in height to the top of the sixth storey parapet and approximately 28 metres to the ridge.
- 4.55 **Dance Studio 1211 m²**
- Ground floor: Community studio, research studio, changing areas and W.Cs, plant and bin store.
 - First floor: leasehold offices and South East Dance studio.
 - Second floor: main dance studio, workshop/storage, bar/kitchen, W.Cs.
 - Third floor (mezzanine); void over dance studio below and office, break out space, changing rooms, rest areas.
 - Roof plan: plant and photovoltaics.
- 4.56 The Dance Studio Building would be sited adjacent and south of residential Building C and would be 3 storeys plus a mezzanine in height, however due to the high floor to ceiling heights it would be the equivalent of a five storey building.
- 4.57 The Dance Studio Building would be set back from the Circus Street proposed building line by 3.2 metres. The footprint of the building would be 18.6 x 21.4 metres. The overall height would be 22.5 metres as measured from the Circus Street frontage to the tip of a triangulated section enclosing the roof plant. The height of the north elevation would be 16.5m. The design of the building takes on the shape of a cube and would have a modern design featuring metallic cladding with large windows arranged in a non-symmetrical manner. The cladding would give an appearance of polished metal. Some glazing would be flush with the cladding and others would be recessed. Part of the roof of the building would be rectangular in profile and would have a green roof.
- 4.58 The accommodation within would be a mixture of accommodation exclusively for South East Dance and would also incorporate two large office spaces for lease potentially to an arts related business. The dance studios themselves are required to be mostly screened from the outside partly for privacy reasons but also to exclude external light and sound and minimise noise leakage.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 4.59 However, the ground floor east elevation fronting the Event Square would be fully glazed. The services are on the south side facing the office block to the south with the main studios on the north side. The main ground floor entrance on the east elevation would face into the square providing the possibility of performances taking place in the Event Square whilst a more discreet entrance would be on Circus Street. The north east corner would have an open feature fire escape which would be seen within the square. The upper floors of the east elevations would have proportionately less glazing to cladding for the first floor office and the second floor mezzanine office above for South East Dance and the meeting room and the second floor breakout space.
- 4.60 The west elevation fronting Circus Street would have some ground floor glazing to a studio, a horizontal section for the office space and a smaller square window for the main studio. There would also be a vertical section of glazing through all three floors on the right hand side as viewed serving corridors, the SE Dance office and rest areas.
- 4.61 The south elevation would have two narrow columns of glazing serving ancillary areas as this elevation which would face directly onto the north side of the office building. The north elevation facing residential Block C would feature two large rectangular windows for the community and research studios. The first floor would feature a long horizontal stretch of glazing for the leasehold offices and above at second floor mezzanine level, a large expanse of glazing for the main studio.

Masterplan

- 4.62 The layout of the whole site is designed to be permeable to allow pedestrians to move through the development rather than be required to detour around it. The 4 residential blocks are arranged around a long rectangle of semi private open space of 53 metres by 14 metres (separating Blocks B and D). A 3 metre wide pedestrian route would lead from Morley Street between these blocks past the open space and into the public square from the north.
- 4.63 On the east side of Block D a pedestrian route from Morley Street would lead past the student blocks into the square. There is an amenity area for the student accommodation at which would measure 7 by 38 metres. To the east of the student accommodation there is another large amenity area with access to the student flats which runs along the whole length of the development (125 metres) with varying widths.
- 4.64 A significant pedestrian route would traverse the site between Circus Street and Carlton Row along the north side of the Dance Studio and Block H, the student tower block, passing through the Event square. The width of this route would enable emergency vehicles to access the middle of the site and could be used for deliveries.
- 4.65 There would also be a route in-between the Library/Academic Building and the Office Building enabling a southern point of entry into the square from Kingswood Street. The Event square proposed would be 31 metres in length by between 19-21 metres in width. 6 of the blocks would partly look into it including the Library, the Dance Studio and the office.

Car & Cycle Parking

- 4.66 Access to and exit from the underground parking spaces would be from Morley Street underneath student Block E. The parking would extend underneath the three student buildings E, F and G and is intended for residential occupiers of the flats and the offices. There would be 9 standard and 10 disabled spaces for the residential units and 13 standard and 6 disabled spaces for the office (Total 38).
- 4.67 At the ground floor of student block H cycle parking spaces for the student accommodation are proposed. There would be other cycle racks provided outside in the development on Circus Street itself, the north side of the library and the dance studio, the basement of residential block A
- 4.68 **Ground Floor Ancillary Retail, Café & Business Use (Use Class A1 retail, A3 café/restaurant and B1 office).**
- Unit A: Ground floor of Building A – Retail (Use Class A1) – would front Circus Street and Morley Street.
 - Units B, C, D and E: Ground floor of Building D – Business units (Use Class B1) - would front Circus Street and 'Circus Court'.
 - Units F & G: Ground floor of Building B – flexible retail units (Use Class A1 or A3). Unit F would front Circus Street and Unit G would front the proposed Event square.
 - Units H: Ground floor of Building B flexible retail units (Use Class A1 or A3).
 - Unit I: Ground floor of Building G - flexible retail units (Use Class A1 or A3). – fronts the proposed Event square.
 - Unit J: Ground floor of Building H - flexible retail units (Use Class A1 or A3). – fronts the proposed Event square.
 - Unit K1: Ground floor of Office – Café/restaurant unit (Use Class A3) – fronts the proposed Event square and Kingswood Street.
 - Unit K2: Ground floor of Office – Flexible retail or café unit (Use Class A1 and A3) – fronts Circus and Kingswood Streets.

Phasing

- 4.69 The development comprises four main phases of construction works which are described in more detail below:
- Demolition of all buildings on site
 - Phase 1: Student Accommodation & Academic/Library Building;
 - Phase 2: Residential;
 - Phase 3: Office and Dance Building.

Environmental Impact Assessment (EIA)

- 4.70 The planning application has been accompanied by an Environmental Statement (ES) under the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations. A Regulation 22 notice was served on the applicants requesting an updated Environmental Assessment (EA) and the application and the EA were re-advertised following the submission of amended details on the 25 July 2014. .

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** 33 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:

5.2 Uses

- Too many student flats are proposed on site and there is enough student accommodation already in Brighton.
- The retail is not necessary; need sheltered housing; artists studios and more parking.
- Offices are not needed when there are lots of empty offices already in the City.
- The scheme would not make a positive contribution to the environment of the City.
- Question the economic viability of the scheme.

5.3 Density & Design

- Overdevelopment of the site; too many tall towers that could create sunless courtyards and gloomy and dark buildings.
- Buildings too tall and block like (1960's) dreary resulting in shadowed courtyard and the black cladding makes density worse.
- Too many residential units and out of scale with the area.
- Overall height of the many towers is in excess of the guidance limit used for local development so any building over 6 floors should be truncated to align with all developments in this area.
- Development would overpower nearby listed buildings particular those on Grand Parade.
- Not a designated area for tall buildings.
- Development brief tries to fit too much onto the site non compliance with SPD15 'Tall Buildings'.
- 10 storey block would be disruptive to the Regency facades and would have a detrimental impact on the Valley Gardens Conservation Area and would be very visible from it. This undermines the Council's efforts to preserve Valley Gardens and would be contrary to policy HE6 of the Local Plan.
- The maximum height of development should be seven storeys, the proposed scheme is unsympathetic to the area and its needs.
- The scheme has no consideration to the architecture of Brighton and would depress the area, the buildings would be totally out of keeping with the area.
- There is already enough damage already to Regency heritage and this would worsen that.
- Would be folly to re-create slum conditions that were once cleared from this area.
- Consent would send a message that overcrowding is acceptable.
- Design is contrary to SPD 05 'Circus Street Municipal Market' regarding model of urban design and sustainability.
- Development would be twice the density of Hanover; two tall buildings are unsuitable and the black material inappropriate and dismal.
- The application drawings are misleading by showing tall buildings in distance but not tallest building on site.
- AMEX building should be retained and incorporated into this development.

5.4 Amenity

- The buildings will massively overshadow Milner flats.
- Massive effect by close proximity to Milner flats; other services such as internet will be affected.
- Loss of daylight to windows on Circus Street, many of which have single aspect (on Circus St) facing the site.
- Loss of light from windows on Grand Parade.
- Loss of view from balcony; noise and disturbance.
- Hundreds of students facing Milner flats would be claustrophobic and could lead to unrest.
- The noise from the site and students will affect children studying.
- Such a large development so close to housing will result in unreasonable increase in noise levels.
- The development will create a 24/7 community.
- 600 bed spaces per hectare is undesirable in terms of social and physical well being.
- Noise and dust from 2-3 years of construction.
- Development will not improve the lives of residents as applicants claim.
- AMEX set the bar high with its insistence on regular consultation. troubleshooting and window cleaning. Need the same for this development.
- Development is too dense, courtyards would be noisy; ironic this is replacing former slum housing that was seen as too dense.

5.5 Transport & Parking

- No parking for all residents where on-street parking is already bad.
- Poor public transport access at the site.
- No consideration to loss of parking in the area. Be preferable to change pay and display spaces to resident only bays.
- The high density will cause even more congestion in the City.

5.6 **Petition with 46 signatures from mainly residents of Milner and Kingswood flats and some from across Brighton** which reads:

“The petitioners below object to the plans by Cathedral Group for the development of Circus Street Brighton. As they stand the plans for offices, flats and student accommodation include blocks 8 stories high, which will overlook and overshadow our homes with a subsequent loss of privacy.”

5.7 **111** 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:

- Will breath new life into the area.
- Will regenerate a site that has been derelict for years.
- Humanities Department in dire need of new facilities and a bigger library as well as purpose built halls of residence.
- Support new dedicated facilities for dance. Dance rehearsal space much needed.
- Will bring economic benefits and jobs to the City.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Will create an environmentally sustainable community, office space will bring employment and Brighton needs new purpose built student accommodation, sustainable design is fantastic.
- New homes are a positive solution for the City. City needs modern new housing, will provide affordable place to live for students and centre for creative activities.
- Opportunity to improve an area with high levels of deprivation, will ensure University of Brighton is a seat of learning excellence, University of Brighton is one of Brighton's most significant assets to the local economy which will increase if application is successful.
- Multi use proposal is innovative, will provide construction jobs. New office will help growing creative and digital businesses stay in the City, project will bring community benefits to the neighbours of the scheme and the City.
- Opportunity for a brand new environmentally superior scheme.
- New dance studio, businesses, restaurants and cafes will add vibrancy to the area and benefit St James Street and Edward Street Quarter.
- Scheme should not be contentious and represents precisely what National Planning Policy is trying to achieve.
- Possibility of engineering a space for education, arts, high and low tech creativity plus residential, student accommodation and new offices, which are desperately needed in Central Brighton.
- Inclusion of green space is welcome.
- Good use of brownfield site. Brighton location excellent for Dance space as it has excellent transport links from a wide area. Excellent addition to the cityscape.
- Cathedral has a good track record eg Clapham Library. Beautiful solution to a derelict area. Brighton needs contemporary and exciting developments. Site has been derelict for too long. Redevelopment will improve the aesthetics of the area but will inject much needed boost from students in this difficult area.
- It would complement the Royal Pavilion Estate.
- Create jobs and opportunities for young people. This well planned proposal meets the needs and ambitions of the City.
- New accommodation will help to ease pressure on existing housing supply. Long overdue investment in the City that would create 600 jobs. An opportunity the City cannot afford to lose. Brighton is in need of modernisation and redevelopment of run-down sites.
- Promises to be a beautiful place. Local community will benefit from this project which will enhance their environment and bring improved facilities and public realm to their doorstep.

5.8 **Four** representations were received commenting only on the application:

- Just what the City needs is quality architecture and a multi use scheme.
- Disappointed with loss of market but accept the demand for residential and student accommodation.
- More scrutiny of the design needed to enjoy the light more. Disappointing to read that the amenity benefits outweigh the daylight/sunlight impacts.
- The market's front façade has a dramatic presence which would be lost in the new design. Needs more daring and exciting architecture. Could be better than Jubilee Square. Concern it is more gentrification of the City Centre's public spaces.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Lament loss of Wood Recycling store and no open access community space in the development. Will A3 uses be taken up by not for profit occupiers or by bigger businesses?
 - Will dance space be open to all regardless of income.
 - Will bike hub keep its space at affordable rent.
 - Will there be affordable rents for commercial units?
 - If not will become another soulless space as outside Sainsburys by Brighton Station.
- 5.9 Following re-consultation with the revised plans and documents received on 25th of July, **nine** further representations were received which object to the proposal on the following grounds
- Loss of essential car parking.
 - Narrowing of Circus Street.
 - Buildings will overshadow and overlook rear of property on Grand Parade
 - Gross overdevelopment.
- 5.10 Following re-consultation with the revised plans and documents received on 25th of July, **four** further representations were received which support the proposal for the following reasons:
- Loss of essential car parking.
 - Brighton crying out for a creative hub to better join the Universities with local business and support starts ups in the City.
 - Will enhance and improve the area; the design and materials will add to the look and feel of the area.
 - Will bring great economic benefits to the City; will have a positive impact on the City and community at large.
- 5.11 **twelve** standard letters of support has been received commenting as follows:
- The City needs new workshop and business space and offices for creative businesses and start ups and digital businesses to grow and stay in the City.
 - Support the new library and teaching facility for the Art faculty and new dance space to provide community dance and performance space.
 - The economic benefits and jobs that this project will bring to the City.
 - Need new home and halls of residence for students to fuel the undersupply and free up residential areas of Brighton for families.
 - Support this development which is exactly what is needed in the area. Exciting after watching the area slowly deteriorating.
 - The community benefits this project will bring to the neighbours of this scheme and the wider City.
- 5.12 Following re-consultation with the revised plans and documents received on 25th of July, **two** further representations of comments were received which are summarised below:
- Loss of essential car parking.
 - Would like re-assurance about the physical and mental state of local residents during the building phase.
 - How will people be notified in advance of time scheduling of demolition and options.

- How will contamination from hazardous substances and dust would be prevented.
- How the anticipated noise levels along with air pollution will be controlled, communicated and recompensed.
- Long term plans relevant to the management of waste, noise, light and air pollution as well as safe guarding privacy and potential misuse of the residential area.
- Tree planting information is abstract. Opportunities for existing residents to engage in collective tree planting or gardening of the current unused areas.
- Need effective communication and collaborative work to revive the area in a way that promotes quality of life.

5.13 Brighton & Hove Archaeological Society:

Comment: Circus Street has revealed finds from both the Bronze Age and Iron Age in the past. It is possible that vestiges of this ancient may remain. Suggest contacting the County Archaeologist.

5.14 Brighton Dome and Brighton Festival:

Support the creation of The Dance Space. Will provide fantastic opportunities for The City and the South East Region to provide superb facilities for dancers and increase access. Proposals will bring considerable economic benefit to the region and contribute to its cultural ambitions.

5.15 Brighton & Hove Economic Partnership:

Support the application to regenerate the Circus Street area. Combination of proposed uses would be an exceptionally strong strategic use of the land available. Proposals for residential and workspace accords with Partnership's message that homes and jobs are the bedrock of local economy. Halls of residence are welcome and will satisfy the need to accommodate our students in the City and free up family housing. New offices will alleviate the shortage of Grade A space which is in demand. The community benefits will be considerable converting a derelict site to a thriving community hub.

5.16 Brighton Society:

Object None of the Society's comments at the pre-application presentation by the Cathedral Group were taken into account. Acknowledge how the architects have attempted to accommodate all of the requested accommodation on site and create a diverse and interesting development but the demands of the brief have frustrated their efforts resulting in an overly dense and out of scale development. The brief is the problem and at the route of almost all of our objections which follow:

1. Overdevelopment –

- a) Student blocks have an overbearing effect on Milner flats and should be reduced to eaves height of Milner flats. 14 storey tower would be too high and overbearing and lumpy and ugly design does nothing for our cityscape.
- b) Contrary to policies QD3 and QD27 due to height and bulk. Contrary to Policy SU10 due to noise and disturbance from student block onto other residents. Number of student units exceeds allocation under Policy CP21 (of City Plan). Contrary to Policies QD1; QD2 and SPG15.
- c) Too many privately owned flats. Contrary to SPG15 and would be out of scale at 5 and 6 storeys with Regency buildings and eastern side of Grand Parade/Valley Gardens. 10 storey building is very much out of scale with Regency buildings.

d) Poor quality of public space would be mean and narrow with a severe lack of sunlight. Tree planting too regimented and would add to shading of open space.

2. Tall Buildings – Site is outside the Tall Building zone. The least attractive 14 storey tower would be visible from Valley Gardens, to the south and from Old Steine. The EIA suggests that views from streets in East Cliff Conservation Area could be affected. Unacceptable that City Plan should be overridden by such a degree and would set a bad precedent.

3. The need for office development is questionable. Should take offices out and retain AMEX House. Makes no economic sense.

4. Location of residential flats – should be on eastern side to protect the occupants of the Milner flats from excessive noise.

5. Design matters

a) Black timber stained boarding is not sympathetic or appropriate to Brighton and will make for a sombre place.

b) Building design of student blocks and the number proposed leaves facades regimented and lacking any variety. They would be boring and repetitive, oppressive and banal.

6. Relationship to Valley Gardens.

The view down Valley Gardens has been recorded over the centuries and its appearance has not changed much compared to early engravings of 19th Century. There are views behind the terraces whilst the southern part of Victoria Gardens are broad and spacious and symmetrically lined with trees and has not suffered too much unsympathetic development.

7. Density of the scheme is incredibly high and would be more dense than the recently rejected proposals for Anston House and would result in minimum internal space standards.

The scheme does try to provide a variety of spaces and routes and diversity of materials could result in a much better scheme if the densities and heights were reduced.

5.17 City College:

Support the application which will regenerate this area which has been neglected for many years. Will address many challenges the City is facing such as accommodation for students and good quality office space.

5.18 Conservation Advisory Group:

Object for the following reasons; the proposed buildings are too tall and the case for deviating from the Tall Buildings policy has not been made. The scheme could be reduced by not providing office space. The site is overcrowded and overdeveloped. Proposed materials bear no relationship to the local vernacular. If approved, the scheme should respect the contour of the land and the height of each building should reduce moving westward of the site. The new buildings should not be visible from the west side of Valley Gardens.

5.19 East Sussex County Archaeologist:

No objection: The proposed site is of archaeological interest due to the sites usage in the 19th Century containing a school and terraced housing now demolished but likely to remain as below ground remains. The development will involve the demolition of a non-designated historic building of local archaeological interest and mitigation comprising an archaeological record of the building and below ground remains will be required. The area affected by the proposals should be the subject of a programme of archaeological works required by condition before demolition takes place and the assessment written up before occupation.

5.20 East Sussex County Ecologist:

Support: The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the National Environment and Rural Communities (NERC) Act 2006 and the National Planning Policy Framework.

5.21 East Sussex Fire and Rescue:

Comment: The size and height of the proposed development are likely to require the installation of fire fighting shafts and dry riser installations in order to satisfy the requirements of the Building Regulations. Necessary provision of fire fighting access for vehicles and personnel should be considered early on to avoid changes to plans later. ESFRS strongly recommends that full automatic sprinkler provision is included in the plans.

5.22 English Heritage:

Comment: The proposal for a mixed use development on the site would by virtue of the height and density of the development proposed, cause some harm to a range of designated and undesignated heritage assets, most particularly to the Valley Gardens Conservation Area and the listed and unlisted buildings on Grand Parade. English Heritage has been involved in pre-application discussions for this site and our previous advice has to some extent shaped the final proposals as presented. English Heritage does not wish to object to the proposals, but we consider that some amendments could further mitigate the harm. Where some harm is unavoidable, your authority must be convinced that on balance, the public benefits associated with the scheme would outweigh this, in line with the NPPF. We recommend that amendments are sought to the design of the 10 storey residential tower to mitigate potential harm to the setting of the Royal Pavilion and its pleasure grounds, given the uncertainty of long term tree cover. Seek amendments to the projecting framed balconies on the residential tower which add bulk and massing to the structure where an opportunity exists for it to be slender. Recommend that the Local Planning Authority is satisfied that taller elements of the scheme are designed to sufficiently high standard that harm to the setting of this internationally important collection of buildings is mitigated as far as possible. Recommend that developer contributions are sought to upgrade the public realm along Circus Street.

Revised comments following scheme amendments

Comment: The application should be determined in accordance with local and national policy guidance and on the basis of your specialist conservation advice.

Principle concern has been the impact of the development on the Grade I Listed Royal Pavilion and the Grade II* Listed St Peter's Church. Amendments made at pre-application stage are broadly satisfactory and the impact here would not be substantially harmful. Refer LPA to recent case law, including the recent Court of Appeal Judgement (the Barnwell Manor case) which emphasises that less than substantial harm to heritage assets does not equate to a less than substantial objection to the grant of planning permission. Where harm would result therefore, and there would be no heritage benefits associated with a proposal, the Local Planning Authority must be convinced that other public benefits would be offered that would outweigh the harm (NPPF paragraphs 132, 134 and 137.)

5.23 Environment Agency:

No comments. Having screened the planning application with regards to the low risk of the development type and location of the proposal, confirm that the Environment Agency have no specific comments to make. As the proposed site is less than 1 hectare it would fall into the Environment Agency's flood risk standing advice which can be found on our website.

5.24 Groundwork (community projects):

Support regeneration of this site. This part of the city is in need of renewal in the form of a vibrant mix of housing, business and academic facilities which will surely have a positive effect on the communities around it. Dance studio and library will bring great facilities into the heart of the City and new student halls and residential units will help to address the chronic shortage of accommodation. Prospect of new streets with shops and businesses will provide an exciting new urban landscape and City culture.

5.25 Kingscliffe Society:

Object on the grounds of overdevelopment resulting in buildings that are too tall and crammed together, adverse impact on Valley Gardens Conservation Area and its Listed Buildings due to bulk, height and overbearing nature of buildings; potential visual impact on the East Cliff Conservation Area but not tested in any viewpoints south of Edward Street; potential impact on the amenities and residents of St James's Street area. Impact on infrastructure and environment has not been tested adequately in the ES arising from residents and students visiting St James's Street which already suffers amenity impacts from proliferation of clubs and licensed premises. Kingscliffe Society would support a less dense scheme.

5.26 North Laine Community Association:

Object: Whilst supporting the regeneration of the site, the application contravenes policies concerning height, relationship to nearby buildings, lack of daylight and sunlight, harmful impact on Grand Parade, Valley Gardens, Listed Buildings and Conservation Areas. Residents will suffer noise and overlooking and loss of light. Office block should be removed. The proposal would be an overdevelopment of the site with densities higher than anywhere else in the City. Application should be deferred until the future of Milner Flats is decided, which should be part of the City Plan.

5.27 Simon Kirby MP:

Support The proposals will strengthen the University's Arts and Humanities presence in Brighton. A cultural hub would be created and the site would be regenerated and its immediate surroundings. As well as housing, retail space and affordable private homes, it will house a new library learning centre and gallery. It will also provide a home for South East Dance and much needed student accommodation.

5.28 Southern Gas Networks:

No objection.

5.29 Southern Water:

No objection. A formal application to connect to the public sewer will be required to be made by the applicant/developer. The applicant should investigate alternative means of surface water disposal. Arrangements will need to be put in place for the long term maintenance of Sustainable Urban Drainage Systems (SUDS)

5.30 Sussex Police:

No objections. Due to high permeability of the scheme, control of access to different land uses will be paramount. Pleased that gates will control access to the basement parking area. Lighting in and around the development especially the public and communal areas would be essential.

5.31 South East Dance:

Support the planning application which will include the dance space. Confirm that Stage 2 Capital application to Arts Council England towards developing the dance space has been successful securing £2.92m. Arts Council England will invest £925K. It will be a home for dance connecting professionals with local communities. SE Dance has enclosed letters dated summer 2013 supporting the funding bid for the Dance Studio from: *Brighton Dome and Brighton Festival; Caroline Lucas MP; The Basement; Hofesh Shechter; University of Brighton.*

5.32 Turner Community Project:

Support: Old Municipal Market is shamefully underused despite input of The Wood Store. Regeneration of the site would multiply the economic benefits to the location many times over. Recent community use by Cathedral Group has shown that local people need and want more social, economic and cultural activity in this part of Brighton. Development will bring other benefits including a new dance space; new University library; new homes; new halls of residence and new offices.

5.33 The Wood Store, Circus Street: (Occupants of the site)

Support Been based at the site for 10 years but fully support the planning application to regenerate the area. Have built up a business despite having no other shops or businesses as neighbours. Regeneration of the site would multiply the economic benefits to the location. Hope to be a part of the new development which will bring other benefits including a new dance space; new University library; new homes; new halls of residence and new offices.

5.34 UK Power Networks:

No objection.

5.35 University of Brighton:

Support the student accommodation at the proposed development which is one of five allocated sites for student accommodation within the City.

In accordance with Policy CP21, it is our intention that we will enter into a formal agreement with the applicant to obtain sole occupancy of the student accommodation for University of Brighton students/partner college (University of Brighton International College).

The beds will be meeting a requirement that has already been identified based on student number projections and our current and planned estate.

It is the University's preference that our students reside in purpose built and managed accommodation rather than HMOs as it is easier to manage the student's behaviour, ensure a good standard of accommodation and provide pastoral care. Circus Street, in addition to this, is adjacent to our City Centre campus and therefore provides a sustainable and localised environment for our students.

5.36 Visit Brighton:

Support. Welcome the proposal which will positively enhance the City's facilities in this area of the City for residents, students and tourists. Will expand student facilities and enhance the arts and cultural offer and encourage tourists to explore hitherto undiscovered areas of the City. It is critical in this economic climate that we continue to be innovative with Brighton & Hove's facilities in order for our tourism to remain competitive.

Internal:

5.37 Access Consultant:

Comment. Wheelchair accessible housing other than access level should have access to two lifts. Every core has a single lift and Block B is the only one with entrance floor flats so the accessible lifts must be located here. None of the layouts make adequate provision for wheelchair units. Units require more space around front doors, storage space for outdoor scooters and wheelchairs. More space in bedrooms required. Not appropriate for all ground floor units to be one bedroom as spare bedroom may be needed for live in carers.

5.38 Arboriculture:

No objection There are no trees or other vegetation on site and therefore the Arboriculture Section has no objection to the proposals in this application.

5.39 Building Research Establishment Limited (BRE): The BRE were appointed by the Local Planning Authority to independently assess the **daylight and sunlight and the wind environment chapter of the ES.**

Final comments made on amended Daylight and Sunlight Chapter received on 25 July 2014

5.40 There would be a substantial loss of daylight, well outside the BRE guidelines, to the majority of windows in the opposing façade of the Milner Flats, and to all windows fronting onto Circus Street. Some windows would lose half or two thirds of their light.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

There would also be a significant loss of light to a number of windows at the rear of Grand Parade. In total, over 200 windows would have a loss of light outside the BRE guidelines.

- 5.41 Compared to the scheme as originally submitted, there would be an improvement for windows at the southern end of the Milner Flats, which were badly impacted by the previous scheme. Windows elsewhere in the Milner Flats would only have a small improvement, and loss of light to most windows in Circus Street and Grand Parade would be similar to that for the previous scheme.
- 5.42 A separate 'Daylight and Sunlight Summary Report' has sought to justify the loss of light by comparing daylight provision in London streets and in other areas of Brighton. The examples chosen in Brighton appear to be worst case ones, some distance from the proposal site. In addition, existing residents will historically have had access to very good levels of daylight which would suddenly drop.
- 5.43 There would be a significant loss of sunlight to some windows in Circus Street and the rear of dwellings in Grand Parade. Loss of sunlight need not be assessed to the Milner Flats as they face north of due west.
- 5.44 In the proposed residential buildings, around a fifth of rooms would not meet the recommended daylighting minima for their room type in the British Standard Code of Practice for daylighting, BS8206 Part 2 (this is an improvement on the previous scheme for which around a quarter of rooms failed). The low levels of daylight, where they occur, are due to the levels of obstruction for some blocks and the provision of balconies which cut out some daylight. For the student clusters a large majority of the proposed bedrooms would meet the BS Average Daylight Factor (ADF) recommendations, though there are some areas with poorly day lit bedrooms where the windows are close to other blocks. Most of the proposed communal lounges and kitchens would be poorly day lit. This is largely because they have small windows for the size of room.
- 5.45 The majority of rooms in the new residential development face east or west and would therefore receive some sunlight.
- 5.46 There are no existing gardens or open spaces near to the proposed development. The proposed open squares within the development would not meet the BRE sunlight guideline, and therefore the spaces would be classified as inadequately sunlit.
- 5.47 Solar glare reflected to motorists or people in nearby buildings would be negligible or minor.

Comments made on Wind Assessment Chapter received on 4 October 2013

- 5.48 Have some concerns over the wind data used and the methodology for measuring the wind conditions at the balconies. However, the results presented in the Study are nevertheless consistent with the wind conditions the BRE would expect to see around a site (away from the sea-front) in Brighton. The report is clear and easy to read and the does not appear to be any significant errors or omissions.

Comments made on Wind Assessment Addendum received on 25 July 2014

- 5.49 The proposed changes to development are relatively insignificant from a pedestrian wind perspective. Therefore agree with the conclusion given in the amended Wind Assessment Addendum that these changes will have a negligible effect upon the pedestrian level wind conditions around the proposed development compared to those measured in the original wind tunnel study.
- 5.50 There are however a few gaps in the assessment as a result of the changes. These include the new roof terrace areas on the Student Building H and Academic/Library Building. No data is currently available regarding the likely wind conditions or their suitability for the intended pedestrian activities. It may be possible to assess the likely wind conditions at these locations without conducting wind tunnel measurements, in the form of a desk based exercise. This does need to be addressed if these areas are to be used for public (or staff/student) access. There is also one entrance to the office building on Kingswood Street which would be windier than its intended purpose.
- 5.51 **Economic Development:**
(Comments on revised plans)
Support. Fully support the application and requests a contribution through a Section 106 Agreement for the payment of £119,430 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 demolition and construction phases of the development. The employment levels stated are welcomed and fully supported.
- 5.52 **Education:**
Comment. Seek a contribution towards the cost of providing educational infrastructure for the nursery and school age pupils this development would generate. In this instance I would be seeking a contribution of £180,663 which includes primary provision £77,363 and secondary provision £103,300. The closest primary school to the development is Carlton Hill Primary School which currently has no surplus capacity. Within the other primary schools in the catchment of this site, there is a small surplus of 73 places or 3%. The DfE requires a surplus of 5-10% to maintain parental choice.
- 5.53 **Environmental Health:**
Initial Comments
- 5.54 Insufficient information. The assessment of demolition and construction noise is of particular concern. A full assessment under BS5288:2009 should be undertaken. A test of significance will need to be carried out by the developer.
- 5.55 The completed development could also result in noise problems due to industrial plant and events. Query the source of some of the background noise levels presented. More detail required of the method of ventilation to student units. Details of sound insulation between commercial space or plant rooms and residential units required which should be greater than Part E of the Building Regulations. A more

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

stringent condition than the standard type would need to be applied on plant noise in the event of approval of this application.

5.56 No lighting details or details about waste collections.

5.57 *Air Quality*: There should be no residential units on the ground floor facing Circus Street and Morley Street. Further information required on contribution from energy centre. Clarification needed on heights of flues above roof of Combined Heat and Power plant.

Revised comments following scheme amendments

5.58 Recommend approval with conditions. Following meetings with the developers and their noise consultants and contractors for the site, a noise Addendum for Chapter 9 of the ES has been provided. Conditions are required to ensure that student and residential accommodation meets the BS standards and WHO guidelines for noise insulation and ventilation for windows. Sound insulation between commercial, student and residential should exceed Building Regulations Part E by 5dB.

5.59 Noise sources involved in the different phases of the proposed construction using as much information as is available at the time has been re-analysed considering the various methods or equipment to control noise. Consequently, the original predictions have been revised. This highlights that some noise events right on the site boundary and also those close to the site, covering an area of 20m to 20m, may occasionally get close to 75dB $L_{Aeq,10hr}$. However, the assessment of general noise activities in a 50mx50m area (ie noise sources spread across the site which will be more like the situation on the ground), were assessed to be approximately 65dB $L_{Aeq,10hr}$ for all receptors and were consistently predicted to be under 70dB $L_{Aeq,10hr}$.

5.60 High noise levels will drop off as individual pieces of work progress away from the most exposed receptors. Additionally work could be planned so that earlier phase new buildings can act as sound barriers. The result of this is that the receptors exposed to worst case exposure levels will regularly change and individual receptors would be unlikely to reach significance as outlined in BS5228:2014. It has also recently been confirmed that one of the noisiest activities, the sheet piling, will not be required on site and this will help manage noise levels further.

5.61 To manage noise on site and ensure local residents and businesses are fully briefed on the development, the following methods will be used:

- 24 hour noise and vibration monitoring with alarm notification if levels are exceeded;
- Screening and enclosures as necessary;
- Best available construction techniques to manage noise;
- S61 Control of Pollution Act 1974 consents, to control noise using best practicable means during the different phases of development;
- A CEMP to control noise (as well as dust and other issues) not covered by the Section 61, such as noise from deliveries;
- Specific construction techniques requiring acoustic screening will be defined as part of the CEMP process;

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Full public liaison meetings and communications undertaken before and during the development.
- 5.62 The consultants have predicted that vibration may be perceptible at some of the nearest receptors but this is predicted to be less than 1mms^{-1} peak particle velocity (ie less than the level which may result in complaints).
- 5.63 The consultants state that they would undertake a detailed vibration assessment once the contractor's methodology of works is finalised. They also identify the need to use best practicable means as outlined in BS5228:2009 and A1 2014 to control vibration and for vibration monitoring to be undertaken as outlined in a CEMP.
- 5.64 A condition for plant is recommended in line with other major developments within Brighton & Hove which are mixed use. It is recommended that the sound insulation around lifts where they are adjacent to accommodation is greater than Part E Building Regulations.
- 5.65 It is proposed that 'Circus square' will be used for up to 12 amplified outdoor events a year. The guidance being used in this assessment is the Code of Practice on Environmental Noise Control at Concerts which has the guidelines that the Music Noise Level, for a location such as this, should not exceed the background noise level by more than 15dB (A) over a 15 minute period. A noise management plan should be required as a condition. In order to run such events organisers would have to apply for Temporary Event Notices, so the events could also be controlled through the licensing system and Environmental Protection Act 1990 if complaints about noise were made.
- 5.66 It would be appropriate to include details about how the open spaces in this development are managed so that anti-social behaviour, littering, busking etc are controlled. A condition requiring an Open Space Management Plan is recommended including who will be responsible for managing such areas.
- 5.67 A full phased contaminated land condition is recommended for this development.
- 5.68 In order to ensure that lighting doesn't have a detrimental impact on future and existing residents, a condition is recommended for the future scheme.
- 5.69 There are no details provided about waste collections, deliveries, or servicing for the commercial/retail or academic facilities. A condition is recommended to control hours of deliveries, waste collections and servicing to between 8am and 8pm Monday to Saturday.
- 5.70 **Heritage: Comment**
The redevelopment of the site is very welcome in principle and has the potential to bring substantial urban design and regeneration benefits to this run-down and largely unattractive urban block in a key central location adjacent to the Valley Gardens conservation area. The proposals are for large scale buildings with substantial footprints and would not recreate the tight urban grain as originally existed, but the surrounding area to the east has undergone wider transformation during the 20th century and any development must also successfully relate to and

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

connect with this wider urban context. In this respect the proposed mix of uses, including ground floor interest around the new public space, the proposed layout and disposition of buildings and spaces and the extent of the permeability through the site are all very much welcomed. The narrowing of Circus Street, to return it close to its 19th century building line, is similarly welcomed. In principle there is no objection to the loss of the existing Victorian school building as the benefits of an appropriate major redevelopment scheme would outweigh the loss of an undesignated heritage asset. In accordance with policy DA5, however, development must also be sympathetic to the surrounding historic townscape and to meet heritage policies it must preserve or enhance the settings of all the various heritage assets.

- 5.71 In the latter respect it is considered that, due to the height, scale, massing and design of the development as a whole there would be a very demonstrably harmful impact on the setting of designated heritage assets: the Valley Gardens conservation area and twenty five grade II listed buildings at Grand Parade (between numbers 9 and 47). The amendments to the proposals have not notably reduced or mitigated this harm.
- 5.72 Following the amendments lesser harm would now arise to the settings of grade II listed buildings at: 3 -11 Pavilion Parade; the statue of Queen Victoria; and the obelisk and drinking fountain south of St Peter's Church. There would also be some impact on views towards Old Town conservation area and Montpelier and Clifton Hill conservation area and from within the North Laine conservation area which would cause limited harm in each case. Potentially significant harm has been identified to the setting of the grade II* listed North Gate to the Royal Pavilion if mature trees and shrubs that currently provide screening were to be lost. In such circumstances harm could also arise to the setting of the historic park/garden of Pavilion Gardens.
- 5.73 There would also be some impact on views towards Old Town Conservation Area, Montpelier and Clifton Hill Conservation Area and from within the North Laine Conservation Area which would cause more moderate harm in each case. Potential harm has been identified on the setting of the grade II* listed North Gate to the Royal Pavilion and the statue of George IV (grade II) if any mature trees that currently provide screening were to be lost. Overall therefore the scheme is not considered to be sympathetic to the surrounding historic townscape as required by policy.
- 5.74 In accordance with the NPPF (paragraph 134) all the harm has been assessed as being less than substantial and must therefore be weighed against the public benefits of the proposal. However, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving the setting of a listed building when considering a development proposal, whilst section 72 of that Act requires that the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less

than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting. There are no specific heritage benefits to the scheme but there are regeneration benefits. Other public benefits will be a matter for the local planning authority to determine and to take into account when considering the identified harm to the heritage assets.

5.75 Housing:

Support. Welcome the scheme as it will contribute towards achieving mixed balanced and sustainable communities. Note that the developer is offering 20% affordable housing which equates to 28 units. Preference would be for 40% provision. Understand that District Valuer is preparing a report on the viability of the scheme. Would expect 10% of affordable units to be fully wheelchair accessible and that 5% wheelchair housing is provided across the development. Generally a tenure mix of 55% rented and 45% intermediate housing would be required within the affordable units. Preferred mix of affordable units would be 30% - 1 bed; 45% - 2 bed; 25% - 3 bed plus. The scheme however would provide only 1 and 2 bed units as 57% and 43% respectively.

5.76 District Valuer (DV):

Support. The DV was appointed to independently advise the Local Planning Authority (LPA). The DV have advised that the LPA should be seeking a provision of 20% affordable housing on site and commuted sums to the value of £300,000.

5.77 Planning Policy:

Initial Comments

5.78 Comment. The application for redevelopment of Circus Street is welcome – the scheme will secure regeneration of a rundown city centre site and it will help to deliver a mix of uses that are important to the city.

5.79 The development would broadly meet the site allocation requirements in the City Plan in terms of the mix and amount of development proposed. The main differences between the proposal and the allocation in policy DA5 are an increase in student housing, office space and academic floorspace and a reduction in residential units. The increase in employment floorspace, and in particular affordable workspace, is particularly welcome. In terms of the reduction in housing units, this is less welcome as delivering housing is a critical issue to address the city's challenging housing requirements. In the context of this scheme, however, it is considered that the shortfall of 18 residential is acceptable given it is a relatively small reduction in units in comparison to the delivery of proposed 142 residential units and the benefits arising from the wider scheme.

5.80 Details have not been submitted on the proportion of affordable housing to be provided as part of the scheme. Policies HO2 and CP20 require 40 per cent affordable housing (policies HO2 and CP20) unless a reduction can be justified in line with the criteria set in both policies. Viability evidence is one of the key tests and this evidence has not yet been submitted. This is required to assess the application in full particularly in relation to the types and amounts of development proposed, affordable housing provision, sustainable building standards and developer contributions.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 5.81 In terms of the student housing element of the scheme, the site is identified for purpose built student accommodation (policies DA5 and CP21) in response to the recommendations of the Student Housing Strategy to meet the shortfall in accommodation for University of Brighton students and to reduce pressure on existing housing stock and sites in the city. For this reason it is important that a formal agreement and links are made with the University of Brighton in relation to the purpose built student accommodation.
- 5.82 Further detail is required on the mix and location of ‘ancillary’ uses proposed as part of the scheme.
- 5.83 The viability assessment should consider the scheme as a whole including the mix and type of uses proposed, detail on how some of the elements of the scheme are enabled and incorporate up to figures on the costs of Code for Sustainable Homes 2013.
- 5.84 Local employment and training: No mention is made of this in the application; the applicant will need to supply further information as to how the development would make a contribution toward local employment and training.
- 5.85 Open space: The application identifies that, due to the number of residential units, the high density use of the site and the required mix of uses, the construction of a dedicated children’s play area on the site would not be practical or warranted. The application refers to the potential for provision of roof-top allotments, although this would only be a proportion of the 33m² of private roof gardens. A public square is provided as part of the scheme. In addition to the matter of capacity for on site open space provision, a contribution should be sought to improve open space and play space facilities in the locality as required by the priority DA5 C3d for the site. The open space contribution should be £952,962 including a contribution resulting from the student accommodation of £538,783.
- 5.86 Transport and travel: The application includes section 278 highway works as a likely area for contributions to be made, pending the forthcoming viability study. Extensive cycle parking provision would be made on-site. This will be subject of comments from the Transport Officer.

Revised Comments following scheme amendments

- 5.87 Support: This summary should be read in conjunction with the main policy comments on the scheme. These supplementary comments relate to the changes to the scheme and the additional information and evidence submitted during and after July 2014.

	DA5 policy allocation	Original Application (GIA unless specified)	Revised Application (GIA unless specified)
Library & academic building	3,800 m ²	4,887 m ²	4,566 m ²
Dance space	Dance Studio – area not	1,211 m ²	1,211 m ²

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

	specified		
Office	3,200 m ²	3,818 m ²	3,300 m ² plus ancillary B1 -
<i>Of which affordable managed</i>	750 m ²	1,244 m ²	750 m ²
Student accommodation	400 bed spaces	486 bed spaces	450 bed spaces
Residential	160 units	142 units	142 units
Ancillary retail (A1)/restaurant (A3)	Not specified	729 m ²	729 m ² (ground floor units A, F-K2)
Ancillary office/workshop (B1)	N/A	296 m ² (NIA)	296 m ² (NIA) (ground floor units B-E)
Ancillary residential lounge/community space	N/A	69 m ² (NIA)	69 m ² (NIA)
Car parking	Not specified	43 spaces Office - 33 Res. - 10	38 spaces Office - 24 Res. - 12 (Includes 16 onsite disabled bays)
Cycle parking	Not specified	605 spaces	605 spaces

- 5.88 In terms of the changes to the amounts of development within the scheme – these are considered acceptable. In the case of the reduced amount of student accommodation and reduced area of the University Library/Academic space the changes are welcome as they result in less development on the site and the amount of development proposed is closer to the policy allocation.
- 5.89 The applicant will be submitting a letter to confirm that the purpose built student accommodation on the site will be solely for students of the University of Brighton and is willing to enter into a Section 106 agreement to this effect (for higher education students). As a consequence the accommodation will assist with meeting the aims of the Student Housing Strategy, policy CP21 (in the City Plan) and the UoB Accommodation Strategy.
- 5.90 The overall community benefits arising from the scheme (that need to be secured through a legal agreement) balanced with the level of provision of affordable housing (20 per cent) and developer contributions proposed are considered acceptable based upon the viability evidence submitted and subject to a legal agreement.

5.91 In conclusion, with the amendments and additional evidence and information submitted the scheme is now considered acceptable in planning policy terms. The proposal is welcome and will deliver a viable redevelopment scheme with genuine community benefits; provide a mix of uses that is consistent with policies in the City Plan; and will secure the regeneration of this important brownfield city centre site.

5.92 Public Art:

Comment. To make sure that the requirements of policy QD6 are met at implementation stage, it is recommended that an artistic component schedule to be included in the S106 agreement. It is suggested that the public art element for this application is to the value £240K.

5.93 Sustainability:

Support. All aspects of local sustainability policy have been addressed under Local Planning Policy SU2 and SPD08. The high sustainability aspirations of the scheme are very much welcomed, in particular the energy performance levels committed to, the incorporation of energy efficient and passive design, renewables and a site wide district heating scheme. The high scores targeted for the BREEAM and Code for Sustainable Homes are strongly welcomed.

5.94 Sustainable Transport:

Initial comments

5.95 Object: There are a substantial number of issues with this application as it stands. Many of these can be resolved by S106 provision and conditions, but the problems of excessive office commuter parking and minimal disabled parking provision cannot be and the transport aspects are therefore unacceptable as they stand. Proposed off street parking is 43 spaces (33 for offices and 10 for residential). SPG4 would permit a maximum of 144 residential spaces but only operational parking for offices. Disabled bays proposed are 4 on site and 3 on street whereas SPG4 would require 75 spaces. Applicants have not considered alternatives to disabled bays set out in policy TR18.

5.96 Cycle parking is significantly above minimum standards with 650 proposed but 412 would comply with SPG4. The trip generation taking account of the southbound of Circus Street prohibition on Circus Street and trip generation by the development would lead to an increase particularly at the Grand Parade/Kingswood Street junction but this need not cause substantial problems. The Transport Assessment demonstrates that capacity exists locally for the estimated increase in public transport trips. Based upon the substantial trip generation contributions which should be payable are £1,241,250. Any S106 should include provision for a S278 to deal with stopping up orders for the works to Circus Street and the proposed car park entrance from Morley Street.

Revised comments

5.97 Approve with conditions The revised parking mix still gives rise to concerns with regards to the related issues of 1) the under provision of dedicated parking for disabled drivers within the development and 2) the potential for inappropriate non-operational (commuter) parking to occur in the development. These concerns can be reduced by the steps described in the main comment.

- 5.98 As discussed in the main transport comments already made on the application, the general residential parking is acceptable. The proposed residential provision of 10 spaces for disabled users is a substantial improvement on the original proposal of 1 space, but is still below the minimum 14 spaces required.
- 5.99 The applicants intend to provide 13 standard parking spaces for the office use. The under provision of disabled user parking spaces - 6 compared to a minimum of 36 – remains substantial. The proposed amount of 13 general spaces is acceptably close to the SPG4 maximum of 12 but these spaces should be used for operational purposes only.
- 5.100 Conditions required would be an enhanced travel plan to monitor the use of office parking and the use and availability of disabled parking bays. A revised parking layout would be required. An enhanced S278 Agreement is required to advertise Traffic Regulation orders.

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. The Post Hearing Initial Conclusions of the Planning Inspector – letters of 13 December 2013 and Feb 2014 are also material considerations in the determination of this application.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SR2	New retail development beyond the edge of existing established shopping centres
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD28	Planning obligations
QD27	Protection of amenity
HO1	Allocated housing sites
HO2	Affordable housing
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

EM2	Office and high tech business use
EM9	Mixed use sites
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
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

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD05	Circus Street Municipal Market Site
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Planning Advice Note 04 Food Growing

Interim Guidance on Developer Contributions

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

WMP 3d Minimising and managing waste during construction, demolition and excavation.

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
CP7	Infrastructure and Developer Contributions
CP12	Urban Design
CP14	Housing Density
CP15	Heritage
CP20	Affordable Housing
CP21	Student Housing and Housing in Multiple Occupation
SA3	Valley Gardens

Background Documents

Strategic Housing Land Availability Assessment (SHLAA) 2013

Student Housing Strategy 2009-2014 (2009)

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application are the principle of the uses, design and visual impact including the principle of demolition of the existing buildings, impact on the immediate street scene 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/safety, air quality, external lighting, ground conditions and contamination, ecology and sustainability considerations, archaeology, waste management, socio-economic impact and infrastructure & viability all need to be considered.

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 to be robust. The following has been considered as part of the ES.

- EIA Process and Methodology
- Alternatives and Design Evolution
- The Proposed Development
- Demolition and Construction Environmental Management
- Socio Economics
- Transport and Access
- Air Quality
- Noise and Vibration
- Daylight, Sunlight and Overshadowing
- Wind Environment
- Cumulative Effects
- Townscape, Heritage and Visual Impact Assessment.

Background

8.3 The application site has been mostly vacant since January 2005 when the City council set up a partnership with the University of Brighton, also a land owner of part of the site, and commissioned an urban capacity study.

8.4 The vision in the original development brief, prepared by the Council as landowner with partners, was informed by the urban capacity study and sought a scheme that would deliver cultural and education benefits and would regenerate a site within a deprived part of the city.

8.5 Cathedral were selected as the development partner in 2006, with a development agreement signed in 2007. This coincided with the start of the economic downturn and credit crunch that changed the development market and rendered the original scheme no longer viable. Following a period where the project was stalled by these market conditions the partners agreed a new development agreement and mix of uses. The heads of terms for the revised development agreement, that included the council disposing of the land, was agreed by Cabinet in February 2012 and a revised agreement was signed in August 2012.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.6 Cathedral ran a design competition to seek to deliver the aspirations of all three partners with a design to reflect Brighton's character and to accommodate the mix of uses needed to deliver the ambitious outcomes for the project. Shed KM architects who have designed the proposals were appointed in September 2012.
- 8.7 Cathedral ran a consultation exercise with local residents, city stakeholders, community groups and professional bodies in late April 2013 attended by approximately 450 people.
- 8.8 In July 2013, Policy and Resources Committee gave support (landlord's consent) for a planning application to be submitted by Cathedral.

Planning Policy and Principle of Uses

- 8.9 The principle of high density, mixed use development of the application site has been established since March 2006 when the Environment Committee agreed the Circus Street Supplementary Planning Document (SPD05).
- 8.10 The main aim of the SPD 05 was to promote regeneration of the Circus Street site, to provide a mixed use development incorporating employment workspace, residential use with affordable housing and to consolidate and to improve the University's central campus. The level of development indicated for the site was based upon the aforementioned urban capacity assessment. The SPD sets out two possible options for comprehensive redevelopment of the site. Each option sets out amounts of development for a mix of uses including office, residential and University Library/academic.
- 8.11 The submission City Plan Part One was agreed at full Council in January 2013. Circus Street site is a strategic allocation in policy DA5 Eastern Road and Edward Street Development Area and the allocation reflects the approach to allowing high density mixed use development. The policy sets out the priorities for the wider area and the strategic allocation for Circus Street (DA5, part 3) identifies the amounts of development identified for the site as set out in the Planning Policy comments and table.
- 8.12 Prior to submission, the City Plan was subject to consultation and all responses were analysed and submitted, along with the City Plan, to the Planning Inspector appointed by the Secretary of State to examine the soundness of the Plan. At this stage no objections were received in relation to the strategic allocation for Circus Street. As such, in accordance with the tests set out in paragraph 211 of the National Planning Policy Framework, significant weight can be given to the strategic allocation.
- 8.13 It is acknowledged that the level of development proposed within all of the strategic allocations in the City Plan, including Circus Street are challenging. These allocations reflect the situation in terms of the national policy context, the limited availability of development land in the City and the necessity for economic growth.
- 8.14 In terms of national policy, the National Planning Policy Framework (paragraph 17 bullet 3) states local planning authorities are required to 'make every effort to

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

objectively identify and then meet housing, business and other development needs of an area'. In Brighton & Hove there is a significant unmet need in relation to housing (identified requirement for 18,000 to 24,000 new homes by 2030), office and employment space and purpose built student accommodation. These needs cannot be met within the City alone due to:

- limited opportunities for expansion of the city
- the lack of brownfield sites available; and
- the magnitude of objectively assessed needs

- 8.15 It is therefore critical that sites in Brighton & Hove are used both efficiently and effectively. This is reflected in Strategic Objective 9 (SO9) in the City Plan (to make full and efficient use of previously developed land) and the high residential densities sought in policy CP14.
- 8.16 It is considered that the planning application satisfactorily complies with the site allocation requirements in the City Plan in terms of the mix and amount of development proposed. The main differences between the proposal and the allocation in DA5 are an increase in student rooms (by 50 rooms); an increase in academic floorspace (by 766sqm) and a reduction in residential units (by 18 units).
- 8.17 The increase in student rooms is considered acceptable on the basis it assists with the viability of the scheme and it is subject to a commitment that the accommodation will be for students of the University of Brighton and their partner college the University of Brighton International College. This should be secured through a formal agreement along with a detailed student accommodation management plan (in accordance with policy CP21).
- 8.18 The reduction in housing units is unfortunate as delivering housing is a key element of the scheme which addresses the city's challenging housing requirements. However, in the context of this mixed use scheme which delivers a number of priorities for the city, it is considered that the relatively small shortfall of 18 residential units can be accepted. The delivery of 142 residential dwellings within a five year period will contribute to the city achieving a five year supply of housing land as detailed in the Housing Implementation Strategy (Annex 3 to the City Plan). It was considered to be important at the pre-application stage to reduce the height of Building A which resulted in the loss of units.
- 8.19 In terms of community benefits and developer contributions, the applicant has indicated that the financial contribution to be provided to offset impacts of the scheme will be a maximum of £300,000 and that 20% affordable housing will be provided where 40 % is normally sought. The applicant's case is that both the Dance Studio and the Library will provide significant community benefits for the City and local residents that could offset the need to meet full policy requirements (and ensure the achievement of a viable development scheme). To ensure that the stated community benefits are forthcoming, a statement of community benefits should be required for both facilities to be secured through the Section 106 Agreement.
- 8.20 Overall, the scheme is welcome in planning policy terms (subject to a Section 106 Agreement). It is considered to comply with the strategic allocation for the site in

policy DA5 and satisfies the requirements of policies CP7 (Developer Contributions), CP20 (Affordable Housing) and CP21 (Student Accommodation) in the City Plan. The proposed scheme would be viable and would therefore deliver the regeneration of this key rundown city centre site. It would deliver investment, homes and jobs and would provide key community benefits for the city and local residents (a Dance Studio and publically accessible University Library) and public realm improvements.

Design & Visual Impact

- 8.21 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.
- 8.22 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.
- 8.23 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.
- 8.24 Policy QD4 is concerned with the strategic impact of a development, and the preservation and enhancement of strategic views, important vistas, the skyline and the setting of landmark buildings. All new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted. Views into and from conservation areas and the setting of listed buildings are of particular relevance to this application.
- 8.25 Policy QD7 requires the developer on major developments to demonstrate how crime prevention has been incorporated into the layout and design as well as transport safety.
- 8.26 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local authority shall have special regard to the desirability of preserving the setting of a listed building when considering a development proposal, whilst section 72 of that Act requires that the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. There is therefore a statutory presumption against granting permission for any development which would cause harm to a listed building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation of the listed building and its setting. Paragraph 134 of the NPPF

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.27 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 roofscape 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.
- 8.28 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.
- 8.29 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

- 8.30 The demolition of the existing buildings which comprise the Wholesale market building, the University of Brighton building (former Board School) and the open deck car park is not considered to be contentious. Apart from the Victorian former school building, the site was cleared of poor quality housing almost entirely in 1934 to make way for the wholesale market and the car park. Only the former Board school now occupied by University of Brighton has any architectural merit but it has suffered from some unsympathetic alterations and extensions and effectively turns its back onto Circus Street where the playground used to be on its east side. The applicants have researched similar buildings elsewhere in Brighton and there are 4 surviving Board school buildings in Brighton by the architect Thomas Simpson which are Listed. English Heritage has raised no objections to the loss of this building. Neither the Council's Heritage Team nor CAG have raised any concerns over the removal and this building which would not be worthy of any heritage designation. The Heritage Team has requested that a photographic record be made of the former Board School building prior to demolition in accordance with English Heritage guidance. The Heritage Team has welcomed the principle of the redevelopment of the site. The clearance of the site would not have any impact on the adjacent Valley Gardens conservation area.

Layout of the site

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.31 The proposed layout of the site has taken account of the previous historic evolution of the site before its wholesale clearance to make way for the Wholesale market building by introducing north-south and east-west routes. At the heart of the proposals would be the public square (Event square) around which are arranged the public buildings (library and dance studio) and the commercial uses such as the office and retail units. Generally, the north of the site would be occupied by the residential flats and student accommodation. The site is not publicly accessible now but would become permeable for pedestrians via two main north south routes which link Morley Street with the public square and onto to Kingswood Street between the library and the office. There would also be pedestrian links from Circus Street across the site including direct links into the square from the west. This approach accords with policy TR8 by creating short attractive routes for pedestrians and has taken account of pedestrian routes outside of the site boundary.
- 8.32 The site layout would also enable access into the site by the emergency services as well as through the modified Circus Street.
- 8.33 The layout of the buildings and the ground floor activities that would be associated with them are also designed to present vibrant active frontages to the surrounding streets as well to the more public pedestrian thoroughfares proposed. Some of the private residential blocks as well as the student residential, commercial and public buildings would have a broad range of Use Class A1 – A3 retail, cafes or businesses at ground level as well as some small B1 businesses. The office block would have ground floor retail uses and the library would also have a lively frontage to Kingswood Street with the entrance to its exhibition space and café space or communal areas.
- 8.34 The Heritage Team whilst recognising that the proposals are for large scale buildings with substantial footprints and not the tight urban grain that once existed, also recognises that the area has been transformed in the 20th century, and the development must connect to the wider urban context now. However the permeability of the site, the disposition of buildings and space around and the introduction of lively frontages are very much welcomed.
- 8.35 It is considered that the proposal complies with policies QD1 d) and QD5 in terms of street level interest and QD2 e) in respect of the layout of streets and spaces and patterns of movement. Existing residents to the north of the site would be able to traverse the site leading to St James District Shopping centre and onto the seafront without needing to walk along the busy Grand Parade. By encouraging pedestrian flows and ground floor activities on the site, the presence of a critical mass of people and shops and businesses would act as a crime prevention measure through the design thus compliant with policy QD7 in contrast to the current desolate character of Circus Street.
- 8.36 There are two areas of residential and student amenity space which will feature soft landscaping and tree planting between the residential blocks. The larger space is between residential Buildings A-D ('Circus Court') and a slightly narrower space between the student Buildings E – G and the rear of Building B ('Woodland Edge'). A third amenity space would exist to the east of the student buildings (The Glen).

8.37 The amenity spaces would provide a pleasant outlook for residents of the flats as well as a useable amenity space. It would also provide an attractive pedestrian route through the site away from the traffic and noise associated with Grand Parade. Circus Street itself would also become a more attractive route past the site. At present it is used more as a 'rat run' by vehicles to avoid traffic lights at the Edward Street/Grand Parade junction and with a limited active street frontage on either side can be a somewhat threatening and intimidating location. The now unnecessarily wide carriageway encourages speeding traffic. The proposals to make it a one way street north bound and reduce the carriageway width and remove most of the existing on street parking would prevent Circus Street's use as a 'rat run'. The public realm improvements include making it a shared space. This, together with the with the proposed active retail and business frontages and the Dance Building, would draw more people and help to traffic calm the street. It would, it is considered, become a safer place from crime prevention and transport perspectives. The proposals would comply with policies QD5, QD7 and TR7 and TR8 of the adopted Local Plan. The Heritage Officer has welcomed the narrowing of Circus Street close to its 19th Century building line.

Design of Proposed Buildings

8.38 The development as a whole has a modern design but the colour palette, material mix, fenestration size, the proportions of buildings and mass have been considered carefully from the inception of the proposals.

8.39 The colours and tones of the materials proposed across the development have been taken from the mix of other buildings surrounding the site and are characteristic of parts of Brighton. Circus Street displays mono-tones of black, white and silver. Grand Parade features buildings faced with black painted cobbles as well as the large white façade of the University of Brighton's Faculty of Arts featuring large fenestration which is reflected in the proposed office block opposite which would be built in solid masonry and is intended to be reflective of solid industrial buildings of the past.

8.40 The proposed Academic/Library Building would pick up the colours of the gable end of the Milner flats and also would emulate the old Bath stone and pressed yellow brick of buildings in the City such as the Brighton Art Gallery and Museum. The Carlton Row elevation of the student blocks would features darker brick tones of the blocks of flats to the east. It is considered that the proposals in respect of the palette of colours and the proportions of individual elevations have taken account of the existing developments in the locality.

8.41 Policy QD1 discourages replication of existing styles and pastiche designs unless the area features a historic style of architecture. In the case of this site it adjoins the rear of properties which are in the Valley Gardens Conservation Area on its western side but on the other three sides there is no longer a historic character that should be adhered to and so it is considered that a modern approach to the architecture would be welcomed and would provide a vibrant and exciting new character to this quarter which is in great need of regeneration. This design approach accords with policy QD1 which states that in areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites. The design of the development as a whole

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

whilst reflecting some of the historic development of the City has responded to this policy requirement in a dynamic and distinctive way which would result in a unique development for the City.

- 8.42 The Dance Building would have a simple but functional form that could open up and become a stage onto the Event square. It is intended to bring a sparkle and shine to the centre of the square with the appearance of polished metal that would reflect back the materials, colour and light of the buildings which would surround it. The fin detail on the roof as well having a function of screening roof plant provides an artistic feature on top appropriate for a performing arts building. The external spiral fire escape on the north east corner of the building as well as being functional has been designed almost as a stand alone artistic feature with a copper coloured solid spiral which would be a prominent feature in the Event square. The Dance Building would have a modern distinctive style for what will be a unique facility in the City which is welcomed in this location. Both the function and design of the building would draw people to the site and thus accords with policy QD1.
- 8.43 A general principle of large floor to ceiling windows is proposed either in a large square format or tall narrow windows. Taller windows are proposed on residential buildings to mitigate the impact by expressing two storeys as one whilst the Academic/Library and Dance Buildings would feature large picture windows to represent an open welcoming public image. The buildings would have solar heating and shading elements. Window proportions on different buildings are replicated across the site intending to provide a visually harmonising effect.
- 8.44 The Academic/Library building has undergone some significant alterations to its appearance but has still retained its own distinctive character and appears as a purpose built public building. The building has two entrances which would now be more prominent and apparent than first designed in how they appear in the street scene both on the south east corner and the north west corner into the public square. Following the resiting of the library away from the Milner flats, the opportunity has been taken to provide a welcoming space on the Carlton Row/Kingswood Street corner entrance which would be better articulated and more legible when viewed from higher up the hill. The need to reduce the scale of the building on this east side and its overwhelming impact on the street scene, has resulted in a more attractive and interesting corner piece and with the roof profile would an improved focal point to this corner of the building which is positive and welcomed.
- 8.45 The Residential Buildings have been designed to relate to Regency town houses modelled as twin bay frontages with balconies and strong gables forms. Whilst account has been taken of surrounding developments, as with the Dance Building, for example, the applicants have designed tailor made buildings of distinction for this site alone which would set this development apart from other recent developments not just in this City but anywhere else.
- 8.46 The darker 'townhouse' typology of the proposed residential Buildings B, C and D, would also pick up on some of the former gable fronted narrow industrial buildings (now loft apartments) in the North Laine for example, which had larger openings that use to enable goods to be raised and lowered by ropes and pulleys. The design of

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

the flats is also a reminder of the industrial past in this quarter of the City. This would not be an off the shelf solution that has been replicated across the City and other towns. In that respect the proposals are welcomed and accord with policy QD1.

- 8.47 The modern rectangular design of the 10 storey Building A flats would have a slender and elegant appearance and would provide a focal point for the development by its siting on the most prominent corner of the site. Although it is one building, the 7 storey element of Building A has been designed to assimilate into the Morley Street frontage featuring the 'townhouse' design. The recessed top floor with extensive glazing would mitigate some of the impact of its height but on this prominent corner it would stand in isolation acting as a 'wayfinder' to the newly regenerated site. The slender framework of the front of the building and the large glazed sections and the predominantly white coloured cladding would give the building elegance and quality and it is considered to be acceptable in design terms in accordance with policies QD1 and QD2.
- 8.48 The Student Buildings have of necessity been designed as more simple regular buildings in brick and timber but they will be articulated with deep metal reveals and mullion fins to provide depth to the elevations. The timber used would be a very durable type such as 'Kebony'. 'Kebony' is a timber product developed in Norway from sustainable sources but it has the enduring properties of a hardwood and is low maintenance. Before submitting the amended plans, the applicant's architects visited the award winning Brighton College accommodation extension recently completed on Eastern Road and have incorporated some of those design themes into the student blocks such as the deep window reveals and anodised aluminium fins which provide a sharp edge and depth to the elevations and openings which give the elevations visual interest. It is considered that the amended elevations of the student blocks are a considerable improvement on the initial proposals which featured extensive blank unrelenting brickwork. The amendments, it is considered, would help to open up the elevations and provide sufficient detailing and visual interest within the site constraints such as protecting privacy in respect of the adjoining Milner flats.
- 8.49 Across the development overall it is considered that the development would display a very high standard of design of each individual building that would be innovative and original but would still be reflective of the historic development of the City and the materials, colours and architectural features and characteristics of both historic and more recent buildings in the vicinity of the site seen in its context. It is considered that the quality of the materials, the cladding and the glazed elements would be very high and would be durable. The applicants have given great consideration to the articulation of the elevations. Officer's main concerns with the outward appearance of the buildings have been addressed with the student blocks and particularly the tower Building H which had a very solid, opaque and almost 'sinister' appearance. The Student Buildings E – H have been amended to provide a more open, transparent and lighter appearance to mitigate their impact in short and longer range views. This is welcomed and is considered to overcome officer's earlier concerns.
- 8.50 The Heritage Team considers that the materials proposed in respect of most of the buildings are appropriate although there are some reservations about the variety of

styles and in particular the dark timber cladding of the Residential Buildings and their appropriateness in the City. As outlined above, there are features and characteristics of the designs and materials which unify the development as a whole such as the window proportions, and given the size of the site, and the variety of development in the vicinity, the applicant has sought to reflect these differences. A more uniform development would provide less visual interest on this large 0.8 ha. site and would not mitigate the massing of some of its elements as much.

Street scene Views

- 8.51 The residential Block A, the 10 storey tower, on the north west corner would be one of the more prominent buildings on site. It would infill a very unsightly gap that appears in the Grand Parade terrace either side of Morley Street. The gap reveals in the background the current derelict market building with Milner and Kingswood flats in the background rising up the hill and a tower block off Edward Street in the distance. From Valley Gardens or opposite the site on Gloucester Place the tower would be seen set well back from Grand Parade and would provide a strong focal point to the development and as a function of its prominence would signpost that there is a regenerated neighbourhood behind the Grand Parade frontage.
- 8.52 In this view it would not coalesce with the end properties in Grand Parade but its proportions (not height) are reflective of the Listed Georgian property on the corner with Morley Street at No.30 Grand Parade. The setting of No.30 has been harmed by the late 20th Century red brick residential development which adjoins behind. It is therefore not a sensitive view in the street scene and furthermore, when in full leaf, the mature trees in Valley Gardens would obscure most of the lower half of the building.
- 8.53 In mitigation of its height the quality of the design is considered to be high and the slenderness of some of the elements such as the balconies and the lightness of its appearance give the building elegance.
- 8.54 English Heritage sought some amendments to the balconies which they considered were not insubstantial and that opportunities for the building to be more slender could be taken and were concerned about the views from Pavilion Gardens. Bringing the balcony into the envelope of the flats would reduce floorspace and have knock on effects on viability. The Heritage Team and the amenity societies who made comments had similar concerns about these views and so the Heritage officer has requested a requirement for additional tree planting in Victoria Gardens to ensure that views are obscured more than at present. This could be secured through a Section 106 Agreement.
- 8.55 Building A has been broken up with elements at the rear rising to seven storeys and with a different elevational treatment to reflect the remainder of the proposed Morley Street elevations. The Morley Street elevations of Building A have been amended in order for the tower to appear as a more slender stand alone tower in the street scene and in longer views from the north whereas in fact the rear (east) half of Building A would have two separate 2 bedroom flats per floor sharing the lift with the front tower. English Heritage have much less concern about the height of the tower since pre-application stage which they now comment would significantly reduce the harm to the setting of St Peter's Church and they have no objections.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.56 Building A would appear in the Circus Street and Morley Street scene as a very tall element opposite existing buildings of 3 or 4 storeys. The existing buildings within Morley Street do not have any particular architectural merit. It is considered that on this prominent corner, it is acceptable to have a much taller building which will draw attention away from the existing mundane street scene. It has always been anticipated that tall buildings would be a part of the regeneration of this site and that this location was the preferable location due its openness.
- 8.57 The remainder of the Morley Street scene comprises the north end of the 8 storey Block B of residential flats and the north end of Block E of student rooms split as part 6 and part 8 storeys with the underground car park access underneath. Block B has the appearance of the 'townhouse' typology as described by the applicants with gable roofs.
- 8.58 The typology of the 'townhouse' design has been picked up by the applicants from the scale and tight grain of Brighton's historic residential streets featuring the grand Regency townhouses and mansion blocks and smaller terraced housing which steps up the steep hills. They also have resonance with some North Laine former commercial buildings as mentioned already. The typology is proposed on Blocks C and D. An example of this would be near the site at Nos 3 and 4 Grand Parade on the corner with Edward Street which are two black painted flint faced Listed buildings which are tall and slender and articulated as individual dwellings. The individuality of the proposed blocks of flats would be expressed at roof level where pitch roofs and gables break down the massing.
- 8.59 In terms of the design and appearance of the proposed development on the Morley Street frontage, there is an existing eclectic mix of two to three storey buildings of negligible architectural merit which bear little relationship to each other in appearance or function. The proposal of a strong coherent façade to the south side of this street scene resulting from a careful analysis of the most popular and attractive street scenes in central Brighton is welcomed. At the lower end of Morley Street retail and a business unit are proposed on the ground floor of Block A which will bring more life to the street scene. The north end of the student block E is necessarily more simple and functional but nevertheless it is considered that the design and appearance provides sufficient elevational interest broken up by strong vertical features to be acceptable in this location. The brickwork and timber materials proposed do relate to the appearance of the Milner flats and the appearance of the student block references the functional form of the era of municipal development from which it dates. In terms of the current street scene the design and appearance are significant enhancement.
- 8.60 Concerns have been expressed about the height of the Morley Street elevation in that the 'townhouses' are too tall to be considered as townhouses. More significantly, the original proposals resulted in the building heights on stepping up on Morley Street counter to the downward slope of the hill to the valley floor. This has been addressed to some extent in that roof heights of buildings would be generally level using datum levels until the corner tower.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.61 The main concern with the proposals fronting Morley Street would be the heights of the buildings and how they relate to the low rise nature of the north side of Morley Street. Whilst this would not conform to elements of policy QD2 a) b) and c) by relating to the height of existing buildings and the topography of the street scene, the buildings opposite are non-residential and the aforementioned architecture or absence of a positive character in this street scene could mitigate the need to protect it in terms of the impacts due to the scale and height of the proposed buildings. The northern side of the site is less sensitive in character partly because Morley Street is not a through route and is seen by a limited population. The limited residential impacts on Morley Street and in the context of the whole development and the City Plan, the objective of the viable regeneration of the site makes a case that the Morley Street impacts can be accepted on balance with other benefits of the development as a whole.
- 8.62 As with other elements of the proposals, the scale of the proposed Morley Street frontage would draw attention away from the current negative aspects of the current street scene. The regeneration of the application site may also in time become a catalyst for the regeneration of buildings and land north of Morley Street, currently built to a low density, in a way that uses brownfield urban sites more efficiently.
- 8.63 Circus Street itself is intended to become the livelier of the streets surrounding the site. The front elevation of the Building D residential flats and the west facing elevation of Building C to the south mirror the 'townhouse typology' described above. Both buildings would have commercial units at ground floor level with open aspects onto the street scene which would present an interesting and attractive frontage for pedestrians encouraging them to visit in daytime and evening. This would be in complete contrast to the blank façade of the existing Wholesale market building which gives the current street an intimidating character with little activity or casual surveillance. The proposal wholly complies with Local Plan policy QD5 in this respect.
- 8.64 At the southern end of Circus Street, the dance studio which is set back to encourage a sense of place to this side and the ground floor of the office building which would have ground floor retail occupation would also add to the vibrancy of Circus Street. The heights of the buildings would not be as high as on Morley Street but as they would be forward of the current building line. The whole character of Circus Street could be transformed from a wide, ill defined and somewhat soulless thoroughfare into a well defined, more intimate but active street scene.
- 8.65 Circus Street would become 9 metres wide. As a comparison, the regenerated Jubilee Street in the North Laine, a short walk from this site is only 7 metres wide in comparison including the footway and leads pedestrians and cyclists between tall buildings to where it opens out into Jubilee Square and the Academic/Library. In the case of the Circus Street proposals, the highway leads to the Dance Building and the Event square behind part fronted by the library. To complete the comparison, the useable part of Jubilee Square is approximately 800 sq metres whilst the square proposed here would be marginally narrower and hence would have approximately 600 square metres of useable area.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.66 Concerns about the density of the development have been raised but policy QD3 requires new development to make efficient and effective use of a site. It is considered that the intensity of development proposed is appropriate to this city centre site in accordance with QD3 where there is good access to transport links and the provision of new areas of public open space and ecological and amenity areas meets policy requirements.
- 8.67 The seven storey Office Building on the corner of Circus Street and Kingswood Street would be quite a prominent corner piece which would provide significantly better definition to the street scene than currently exists as this area features the access and loading area for the Wood Store. Similar to the Morley Street view into the site, the street scene from Grand Parade and the edge of Valley Gardens is of a poor quality urban environment and in the background are the Milner and Kingswood flats rising up the hill.
- 8.68 The Office Block would be a striking element which would provide a significantly enhanced edge to this part of the site and this urban setting. Although it is taller than the Faculty of Arts opposite, the Office Building would be set back behind the Grand Parade frontage thus mitigating the relationship so it would not appear so out of scale with the Faculty of Arts building. The featured design of large openings and clean straight lines with white coloured elevations reflects the style of the original modern architectural style of the Faculty of Arts. The amendments to the office which reduced its width on the Kingswood Street frontage and the set back of the glazed roof from the parapet have helped to reduce its scale to acceptable proportions. The top floor with its valley roof detail now set back is integrated better with the roof and is therefore less prominent and helps to visually reduce the scale of the office building. It is considered that the office block would accord with policies QD1 and QD2 of the Local Plan.
- 8.69 Seen in the street scene looking towards Valley Gardens, the Academic/Library and the Office Buildings are seen together and provide a better defined edge to Kingswood Street which is currently very open and featureless viewed across the uncovered deck car park and the roof of the former Wholesale market. On the south side, the John St Police Station buildings are low rise at this point (but are much taller along John Street) with large areas of open parking in the foreground accessed from Kingswood Street.
- 8.70 The appropriate scale of development on Kingswood Street/Carlton Hill is influenced more by the Police Station as it fronts John Street and the new American Express Office. The Academic/Library appears as a 6 storey part 7 storey building but would introduce a significantly enhanced quality of architecture into this street scene and unlike the existing buildings on site which have no entrances or glazing which interact with the public realm, the proposals would present an open aspect with lively frontages in particular the library entrance and ground floor retail below the office building. Due to steep slope in certain street views towards Valley Gardens, the proposed buildings do not appear out of scale with the existing buildings such as the 5 storey Kingswood flats. The impact on the street scene of the Academic/Library and Office buildings together in submitted viewpoints has been mitigated by the reduction in scale of both buildings. They would still be large scale buildings but would not be wholly out of character with the general urban grain

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

along this corridor and would be acceptable in their impacts and accord with policy QD2.

- 8.71 The relationship of the proposed development with the Milner flats on the opposite side of Carlton Row has prompted the most significant amendments to the scheme at pre-application stage and post submission. Prior to submission, the student buildings E, F and G were reduced in scale from 8 storeys by splitting them to part 6 and part 8. Block H the student tower increased in height to 14 storeys in part due to the need to reduce the residential Block A in height down to 10 storeys from 14 being in a more sensitive location. Since submission, the 14 storey tower has been marginally reduced in width on the north and south elevations and in height to 13 storeys with a recessed top floor. In order to compensate and maintain a viable scheme the applicants inserted a recessed seventh storey to Block F which was considered would have no adverse impacts on daylighting or outlook from Milner flats.
- 8.72 The other major change on the east elevations was to move the library away from the Milner flats by 3.6m and to remove half of the top floor closest to the Milner flats. It should be taken into account that the ground level on the application site adjacent to Carlton Row would be the equivalent of a storey lower so that ground floor flats in Milner look out to the first floor of the student blocks. Viewed from Kingswood Street the angled parapet of the Academic/Library Building looks similar but viewed from Milner flats would appear as a four not five storey building. Since the wholesale clearance of the site in the 1930's the characteristic urban form of rows of terraced houses built at medium to high density on steeply rising hills as seen all over urban Brighton was lost. Taller municipal housing with communal amenity space followed and consequently the Milner flats in particular have enjoyed an unobstructed outlook over the former market and Valley Gardens.
- 8.73 Following the amendments made at pre-application stage to the scheme, the profile of the nearest part of the library and the student blocks have been reduced to six storeys but due to the topography the nearest part of the library would be almost two metres higher than the ridge of Milner flats with a separating distance of 14-15 metres. Buildings G would be the closest student block would be less than a metre higher than Milner however the separating distance would reduce to 10 metres excluding the canted bay windows. As a comparison, the separating distance between the 4 storey Milner flats and the 5 storey Kingswood flats located east and up the hill is 21 metres but the flat roof of Kingswood is 5.6m higher than the ridge of Milner.
- 8.74 Setting aside outlook and daylighting for now, in terms of townscape and the street scene in Kingswood Street, William Street to the south and Carlton Row, whilst the scale of the proposals is significant, the closest profile of the library and student flats would no longer overwhelm the profile of the Milner flats following the library amendments in particular. Their relationship in the street scene would only be glimpsed from limited locations but it is not considered that these street views are sensitive and would be mitigated by the quality of the design of the Academic/Library. The intention to landscape Carlton Row would also mitigate their relationship.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.75 The applicants' intention to landscape Carlton Row subject to consultation with residents and the Council as landowner is intended to mitigate and soften the impacts of the development at street level and for residents at ground floor level. It is also considered by the applicants that residents would benefit from greater control over access to Carlton Row which could make it a safer and more pleasant environment. There is anecdotal evidence from residents during the pre-application consultations and from Housing Team colleagues of anti-social and criminal behaviour outside of these flats. Landscaping and access controls would need to be secured through the Section 106 Agreement. Although the area is outside the red line of the planning application site, the land is owned and controlled by the Council. The land comes under Housing ownership and is not Highway land and nor is it a public right of way so there would be no need to implement any legislation under the Highway Acts.
- 8.76 The separating distances between Milner flats and the various proposed blocks facing them would range between at least 10 metres and 14 metres thus wider than the resultant Circus Street (9 metres) and the aforementioned example of Jubilee Street. At present the roof of the current market building abuts the retaining wall and railings of Carlton Row so notwithstanding the proposed taller buildings at pedestrian level, it is considered that at street level the sense of Carlton Row becoming a wider footpath could mitigate the impact of the taller buildings.
- 8.77 The proposals involve construction of new tall buildings and a high density of development which present a challenge to assimilate into the urban street scene satisfactorily and still provide a vibrant attractive place to live and work in the City. Comparisons with other developments which have been built in the City can be useful in order to visualise how the proposed development might look and how it might function and most importantly whether it is an acceptable form of development.
- 8.78 The impacts on existing individual buildings and their occupiers is considered elsewhere in this report, but consideration of the resultant street scene must involve comparing other parts of high density urban development in the City.
- 8.79 The historic Lanes feature some tall buildings although not as tall as some of the buildings proposed but the streets there are much narrower than proposed here and yet with the quality of the historic architecture and the quality of the public realm and the draw of commercial attractions for visitors, it is possible to build a successful and high density urban destination where people want to live and work.
- 8.80 More recent developments in the last 15 years at the New England Quarter and Jubilee Street can also be compared to the application proposals in order to assess how the proposed development might appear and function. Whilst some of the buildings proposed would be taller than those in the Jubilee Street development, for example, the character of this type of high density urban development has been successfully implemented not more than 200 metres away from this site where similar compromises had to be made in order to achieve the viable regeneration of the Jubilee site to provide commercial and community buildings.

Longer Views

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.81 SPG15 'Tall buildings' sets out to provide clear guidance for considering proposals for tall buildings and to identify strategic areas where there may be opportunities for tall buildings.
- 8.82 The trigger for the guidance is any building which is 6 storeys (18 metres) or more. All of the buildings proposed would be classified as tall buildings. SPD15 states that any building of 18m or taller which is significantly taller than surrounding buildings should be located in the areas described. Very tall buildings are 15 storeys in height but none are proposed. Buildings which are significantly taller than their surroundings (defined as within a distance of 100 metres) will normally be judged to be inappropriate having regard to the guidance and policies QD1, QD2 and QD4 of the Local Plan.
- 8.83 The Environmental Statement includes a thorough Townscape, Heritage and Visual Impact Assessment which has been updated to incorporate the amendments to the proposals. In consultation with officers, selected views across the City at short, medium and longer range were agreed for analysis before and after any development. Policy QD4 requires new developments to display a high quality of design. The policy identifies views of strategic importance for consideration as to the impacts which should preserve and enhance strategic views, important vistas, the skyline and the setting of landmark buildings. In the context of this site, views across Valley Gardens, into and out of Valley Gardens, North Laine and Carlton Hill Conservation areas should be considered. The setting of Listed Buildings and vistas along avenues and steeply rising streets should also be considered. The applicants have taken this policy into account in preparing the above assessment.
- 8.84 The Council considers that all new tall buildings should be of a high quality of design. Design and appearance has been considered previously in this report and concluded that the proposals are of a high quality of design. The proposals would meet the other planning principles set out in SPG15 'Tall Buildings' such as sustainability and an appropriate land use mix, provide for essential infrastructure, sited in a location well served by public transport. The ES provides an assessment in terms of their relationship to other buildings and the townscape as well as on conservation areas and listed buildings and detailed design issues have been considered thoroughly in the Design and Access Statement.
- 8.85 One of the corridors identified in SPG15 is Eastern Road defined as a corridor between William Street and Bristol Gate adjacent to the Royal Sussex County Hospital. William Street is directly south of the site. This corridor is identified as it contains tall buildings along its side including the older American Express office. The newer 9 storey AMEX office completed and occupied last year is also a tall building which has a frontage on Carlton Hill/Kingswood Street which the current proposal would front. There are other older existing buildings in close proximity such as John Street Police Station and Kingswood flats which both have a site frontage onto Kingswood Street which are 5 storeys plus lower ground space and which would be classified as tall buildings. The University of Brighton Grand Parade building is over 18m in height in parts as it has very high floor to ceiling heights on 4 floors plus roof plant. The rear of the Listed No. 47 Grand Parade is 5 storeys plus basement fronting onto Circus Street so could also meet the definition of a Tall building.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.86 SPD05 Circus Street was adopted by the Council in 2006 which was 2 years after SPG 15 Tall Buildings was adopted. It is evident from SPD05 that a high density development which included tall buildings was anticipated on the site and was planned for given the quantum of development illustrated in the SPD under the illustrative options. English Heritage has commented that “driven by the ambitious requirements of Brighton’s planning brief....the development is necessarily high”. As discussed earlier in the policy section of the considerations of this report, the SPD and the Development Agreement were influential in the allocation of the site in the City Plan policy DA5 in order to bring forward the viable regeneration of this site. The floorspace figures allocated in the City Plan to be achieved would require tall buildings (as defined) to be included in the proposals.
- 8.87 Whilst the precise location may not front the Edward Street/ Eastern Road corridor and thus be within the defined corridor, consideration of the established character and townscape of tall buildings with large footprints in the vicinity of the site must be taken. Notwithstanding the impacts on Grand Parade, the proposals would not appear to be wholly out of character with the location this side of the valley in terms of urban form and scale. English Heritage has commented that historically the eastern side of Valley Gardens “had a more tumultuous history” and more recent development has fragmented the historic continuity here. With the exception of Carlton Hill Conservation Area, “the general pattern of development is of larger or taller buildings around a later network”. The Heritage Officer has similarly commented on this character of the area.
- 8.88 Within reasonable walking distance (200 - 400m) (and certainly within many of the viewpoints contained within the ES) there are very tall buildings which appear in the short to medium range background which would still be visible such as the residential tower blocks between John Street and Grove Hill to the north of the application site. To the east some of the tower blocks which align the Edward Street corridor would also be seen in the context of the proposed development which indicates that the proposed tall buildings on site could be assimilated into the current skyline without, in a number of views, having a harmful impact and would meet policy QD4.
- 8.89 It is considered therefore that tall buildings on this site can be justified in this instance both in terms of the site allocation under Policy DA5, SPD 05 and the need to regenerate this site with a viable development. The proposal would provide a vibrant mixed use scheme to include community buildings such as the Academic/Library Building and Dance Building as well as much needed residential units and modern up to date offices. It is considered that the many benefits that the development would bring on this key strategic site in the City could justify the provision of tall buildings just outside the Eastern Road corridor in order to achieve the policy requirements in DA5.
- 8.90 The site is not prominent in many long range views but the ES includes a viewpoint from the top of Ditchling Road in Hollingbury. The proposed development would be seen mostly in the context of the whole urban townscape. A minor encroachment into the silhouette against the sea would be seen in a selected view but since the reduction in the height of the student tower it would be negligible. The Brighton Wheel, The Palace Pier and other large developments on the skyline such as the

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

relatively recent American Express office would remain more prominent. The variety of buildings proposed will help to merge the development into the cityscape and would not be detrimental to the existing viewpoint.

- 8.91 From closer proximity at the junction of Ditchling Road and Upper Lewes Road in which the Grade II* Listed St Peters Church dominates the vista, the proposed development would be visible discreetly to the east mostly obscured by trees on The Level open space. The main amendments at pre-application stage reduced the height of Building A so that it would not compete with the church on the skyline but added height to the student tower. Following the reduction in the height and width of the student tower the proposal would only be marginally visible above the winter tree line and St Peter's Church would still remain as the focal point of this vista. The Heritage Team considers that views of St Peter's Church from the north would be affected but it is not considered that these impacts would be harmful. In their opinion, the impact on these views has been further lessened by the reduction in height and revised profile of the student accommodation tower (Building H) as part of the recent amendments. English Heritage are now broadly satisfied that the impact on St Peter's Church would not be substantially harmful.
- 8.92 From closer range at the junction of London Road and Cheapside, the most prominent building would be the 10 storey residential block which following the pre-application amendments would appear as a more slender tower. It would not coalesce with St Peter's Church and appears to be the same height and colour as the terrace opposite on York Place and would frame the view towards the south and its impact would be minor and neutral.
- 8.93 The other significant heritage asset that could be affected by the proposed development is the Royal Pavilion and views from the Pavilion Gardens. A number of viewpoints have been prepared which illustrate that there would be no impact on the buildings around the Pavilion Gardens but at the North Gate a more distant view of the previous view would be seen. The Heritage Team has expressed concern about this view particularly if in future some trees in Victoria Gardens were lost. They have requested additional tree planting in and around the edge of the gardens. The view from the North Gate would be a fleeting view as pedestrians emerge from the Pavilion Gardens and the buildings would be partially obscured by the large collection of trees in winter and would become invisible in the spring/summer months. Within the Pavilion Gardens south of the North Gate, the top of the 14 storey student tower would have been just visible through the tree canopy and other planting but following the amendments, the reduction to 13 storeys it would become less visible in winter and invisible in summer. From Pavilion Buildings and East Street the development would not be visible at all.
- 8.94 The view from Sussex Street opposite Carlton Hill Primary School would be amended significantly following the changes. The bulk of the roof to the Academic/Library Buildings would be reduced and the copper coloured drum shaped lift core would add a feature to the view. The most beneficial change would be the reduction of the 14 storey tower to 13 storeys with the recessed student top floor communal space. The amendments to the elevations by opening them up more, reducing its width on the north and south sides, using lighter coloured materials and introducing more profiling to the elevations has significantly improved

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

the previous dark and opaque proposal. The changes also provide views of Sussex Heights and Chartwell Court in the city centre background to form a cluster at this viewpoint which mitigates the impact of the student block on the skyline.

- 8.95 In longer views from elevated parts of Kingswood Street the Academic/Library and Office Buildings would be quite dominant in the foreground but it is not a particularly sensitive view in heritage terms. The brow of the Clifton Hill Conservation Area can however be glimpsed but distant views have been harmed by large commercial buildings on Queens Road and in the North Laine whilst in the foreground, the Police Station, Milner and Kingswood flats provide a poor quality street scene with little coherence. The impact on long views is considered to be minor and beneficial due to the quality of architecture proposed. The Heritage Team considers that the proposals would have limited harm on the more distant Clifton Hill Conservation Area accepting that the development would break the brow of the hill in this view.
- 8.96 A view downhill from the east on North Road in the North Laine Conservation Area across Valley Gardens to the development has been provided in which the Milner and Kingswood flats currently provide the backdrop rising up the hill. The Carlton Hill Conservation Area, a mature tree belt and the brow of the Hanover hill are visible at present and would not be affected by the proposal. The foreground is dominated by a modern loft development and the Jubilee Street redevelopment featuring modern flat roofs. The Heritage Team has some concern about the historic view across the North Laine Conservation Area in a view from North Road but this view has been altered by these recent modern developments. The change in this view would be the dark timber clad 'town houses' which would appear to step up the hill in a similar manner to terraced houses in parts of the City and only the Milner and Kingswood flats would become obscured. The proposal is considered to benefit this view providing a variety of roof profiles to obscure the long horizontal flat roofs of the Milner and Kingswood blocks.
- 8.97 In views from Marlborough Place and Gloucester Place looking across Valley Gardens, the development would challenge the setting of the Grand Parade listed terrace. The 10 storey residential block and the 13 storey student block would protrude prominently above the terrace and bring a substantial change. The Valley Gardens Conservation Area Study states that it is essential to ensure that any new development would not intrude above the roofline of the frontage buildings when seen from Valley Gardens. This is to protect the primacy of the frontage buildings and to protect the sense of enclosure. The Study was adopted in 1995 and has not been updated to reflect the scale of development proposed for this site within SPD05 (2006) or the (emerging) City Plan allocation.
- 8.98 This requirement would rule out most viable development schemes on this site due to the topography where development would be seen higher up the hill as it would have been historically before the clearance of the site. The alternative of keeping development on a lower scale on Circus Street would mean that the eastern (higher) part of the site would have taller buildings opposite Milner flats to maintain a viable development. The Grand Parade terrace does display a variety of height and roof profiles and the Block D proposed 'townhouses' on Circus Street would provide a layer of roof forms which would *appear* to rise up the hill before the land does indeed rise in the middle of the site. It is considered also that the darker background

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

of the elevations of the townhouses mitigates their height and would help maintain the silhouette of the white or cream coloured Grand Parade buildings.

- 8.99 Some of the viewpoints from Gloucester Place or Marlborough Place, where the development appears most prominent, are not considered to be the most sensitive views as they are transient views from a major intersection or bus and cycle lanes cluttered with Highways infrastructure. Here the view of the development would be fleeting more so in winter when the trees are bare. From closer range within the gardens where the view is more sensitive, the townhouses are mostly obscured by Grand Parade properties. Here the two tower blocks would draw the eye.
- 8.100 In mitigation, Building A has an elegance and as referred to before its window proportions are similar to the historic buildings. This view has been harmed in the past by the tower blocks of Courtlands and Saxonbury, 2 of 5 blocks built in a cluster behind Grove Hill and Ashton Rise which are now part of the Valley Gardens backdrop. Block A would obscure most of Saxonbury in the Marlborough Place view. The Listed No 47 Grand Parade has suffered some very harmful extensions at the back which are in plain view of Valley Gardens which have significantly altered its historic profile.
- 8.101 From the middle of Valley Gardens east of Marlborough Place, the top 3 floors of the residential tower would be visible against the roofs of Grand Parade properties which in this view are mostly Grade II Listed except for Nos. 34 and 36. The impact of the change would be medium to high but it would be a short range transitory view seen by people on the move and not a static view. The narrow elegance of the tower and its light colour would mitigate the harm caused. A glimpse of the 'townhouses' above the roofs is possible but the dark colours help them to blend into the roofscape with negligible impact. The extension to 47 Grand Parade would still cause the greater harm to the roofscape which would obscure most of the student tower in this view.
- 8.102 Following amendments, the student tower is a much lighter building in colour and appearance due to the increased glazing and lighter coloured cladding. Following its reduction it appears in this view to be similar in height to Building A to the north and its appearance behind the misshapen No.47 Grand Parade mitigates its impact. The summer view when the trees are in leaf will mitigate the impacts further.
- 8.103 It is considered that the impacts on Grand Parade would be demonstrably harmful but they would not be considered to be *substantial* due to the quality of the architecture and the tree screening that will obscure the views in spring/summer as well as the transitional nature of some of the viewpoints. Given that a high density scheme was envisaged on this site and the applicants have sought to minimise and mitigate the biggest impacts by the quality of architecture, materials and siting of the taller elements in the most appropriate locations the harm caused must be balanced against other wider benefits of the development.
- 8.104 A number of views have been prepared by the applicants of the proposals from the southern end of Valley Gardens and from within the Pavilion Gardens and from Pavilion Buildings. These are some of the most important viewpoints due to the

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

significance of the Heritage assets. From the closest views in Victoria Gardens, the impacts are similar to that within Valley Gardens in front of Grand Parade. The residential tower would be seen above the non-Listed buildings and the office and student tower would only obscure tower blocks in the distance and would form a backdrop to the University of Brighton Arts Faculty building.

- 8.105 Due to the topography it would be very difficult to redevelop this site viably without some impact on Grand Parade and Valley Gardens Conservation Area. This has been demonstrated in the Policy considerations where the City Council's objectives for the site have been thoroughly tested in order to bring forward a viable development which meets the policy requirements as set out in policy DA5.
- 8.106 It is considered that the ES contains a thorough townscape, heritage and visual impact assessment in accordance with policy QD4 and has taken account of the impacts both at pre-application stage and again before the proposals were amended.
- 8.107 Where a view may be considered harmful, consideration must be given to the significance of the view and the setting of heritage assets as stated in paragraph 128 of NPPF, whilst consideration has been given to whether a particular single view of the proposals represents a snapshot amongst many other viewpoints or if it is a very significant viewpoint that have been assessed.
- 8.108 Paragraph 134 states that where a proposal will lead to *less* than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst there are concerns from some consultees, both English Heritage and the Heritage Team are satisfied that the proposal would not have a harmful impact on the prime heritage assets of St Peter's Church and the Royal Pavilion estate. The impacts on Grand Parade Listed Buildings and Valley Gardens are significant but crucially not '*substantial*' in the words of NPPF. The development would not result in the total loss of their significance and would be mitigated by the quality of design.
- 8.109 Paragraph 133 of NPPF nevertheless sets out criteria for where *substantial* harm would be caused unless it can be demonstrated that the harm would be significantly outweighed by the public benefits. Two of the criteria are:
- the nature of the heritage assets prevents all reasonable use of the site.
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.110 Given that the development would not cause significant harm, paragraph 133 does not need to be addressed.
- 8.111 This site has been derelict and underused for many years. The location is not a pleasant or attractive place to be in the City with an inherent fear of crime especially at night. The public benefits would be the bringing back a large site into use as an attractive vibrant mixed use quarter providing offices, homes (a proportion of which are affordable), purpose built student population which would support the University of Brighton's accommodation needs and provide a purpose built Dance studio for the City and the region. The provision of the Dance studio

and the library which will be accessible to the community would be another public benefit. Bringing activity and new development into the area would provide some benefit to local residents who have had to live near a derelict site for years and before that a busy noisy market operating at unsocial hours.

- 8.112 Therefore a strong case can be made that the less than substantial harm to heritage assets are outweighed by the significant benefits of the proposal and thus accords with paragraph 134 of the NPPF.

Landscaping and Public Realm

Impact on Amenity

- 8.113 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

- 8.114 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. The applicant has amended the scheme in order to reduce the bulk and massing of the development along the eastern boundary. Therefore an amended Daylight and Sunlight and Overshadowing Chapter of the ES was submitted on the 25 July 2014. The BRE was appointed to re-assess this amended chapter.
- 8.115 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

- 8.116 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. The Building Research Establishment (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. The ES has assessed the impact on loss of light to the surrounding residential properties.

Milner Flats

- 8.117 The west elevation of the Milner Flats faces the development site and is at an elevated position above the application site. As a result the windows of the Milner Flats experience higher levels of daylight than would normally be expected for a central Brighton area. The majority of the windows currently experience existing VSC levels in the region of 34% to 39%. 40% is the maximum VSC level

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

obtainable for an un-obstructed window. Apart from the windows lighting the stairwells which protrude slightly from the main wall, all of the windows on this elevation light bedrooms and living rooms. There are 136 habitable windows on this elevation which serve 48 flats.

8.118 13 out of the 136 windows would pass the BRE Guide, and another 5 windows would only very marginally fail the BRE Guide. Loss of daylight to is more significant to the lower two floors. The results for each floor are summarised below:

8.119 Third floor

- 11 windows (out of 34) would pass the BRE Guide (minimum 27% VSC and not more than 20% reduction). Five windows would only very marginally fail the BRE Guide.
- Daylight at the remaining 18 windows would be between 24% to 26% VSC with the most common range being 26% VSC.
- Percentage reductions would be in the range of 32 to 38%.

8.120 Second floor

- Two windows (out of 34) would pass the BRE Guide.
- Daylight at the remaining 32 windows would be between 21 to 26 %VSC with the most common range being 22 and 23 %VSC.
- Percentage reductions would be in the range of 32% to 47%.

8.121 First floor

- Daylight would be between 17 to 26 %VSC with the most common range being 19 and 20 %VSC.
- Percentage reductions would be between 35% to 56%.

8.122 Ground floor

- Daylight would be between 13 and 22 %VSC with the most common range being 16 and 17 %VSC.
- Percentage reductions would be between 36% to 65%.

8.123 The scheme has been amended so that the Library/Academic Building is set further away from the Milner flats and half of the top floor has been removed along with other massing changes on the east elevation. This has led to a significant improvement to the daylight predictions for those windows on the south section of the west elevation of the Milner Flats. There have been other slight improvements as a result of the siting of the student buildings, with Building F being re-sited 1 metre to the west. The lowest VSC at the Milner Flats would now be 13% rather than 9%, there would be an additional 6 windows which now pass the BRE Guide and the average retained VSC level has increased from 19.7 to 22%.

8.124 The worst affected windows are those at the ground and first floor, with the lowest VSC levels predicted for the central section. It is recognised that there would be a significant loss of daylight to a large proportion of these windows at ground and first floor. The loss of light to the majority of the windows at the second and third floors would not as significant and it is considered that this impact could be classed as negligible to minor in terms of the loss of daylight.

Circus Street

- 8.125 There is a mixture of residential and commercial properties which front directly onto the pavement level of Circus Street. The impact on the residential properties is considered below. In total
- 8.126 10 Morley Street (25 Circus Street) – 3 habitable windows fail BRE Guide
Three flats have a window each serving a bedroom and a window serving a small kitchen. The small kitchens are not considered to be habitable and the windows serving the main living areas are located on the Morley Street elevation, which would all pass the BRE Guide. The three habitable bedroom windows would fail the BRE Guide and experience a reduction from between 30 to 36 %VSC to between 8 to 11 %VSC with a percentage reduction of between 70 and 74%.
- 8.127 22 to 24 Circus Street – 8 habitable windows fail BRE Guide
All eight windows would fail the BRE Guide and would experience a reduction in daylight from 31 to 35 %VSC to between 6 and 10 %VSC with percentage reductions of between 73% to 82%.
- 8.128 21 Circus Street – 4 habitable windows fail BRE Guide
This building is in part café use at ground floor in connection with the adjacent 'market diner', with one habitable window at ground floor and three at first floor. The habitable windows would fail the BRE Guide and would see a reduction in daylight from 34 to 5 %VSC with a percentage reduction of 80%.
- 8.129 16 Circus Street - 4 habitable windows fail BRE Guide
There is a residential flat at first floor which contains four windows (two which serve a lounge and two which serve a bedroom). These windows would fail the BRE Guide and would experience a reduction from between 32 and 33 %VSC to 10 %VSC with percentage reductions of 69 and 70%.
- 8.130 51 – 52 Grand Parade – 6 habitable windows fail BRE Guide
The ground floor accommodation is connected to the public house. There is living accommodation at the first and second floors, however there are a large number of non habitable bathroom windows on this elevation. There are six habitable windows which experience a reduction of between 21 to 31 %VSC with percentage reduction of between 59% to 75%.
- 8.131 A total of 21 habitable windows at Circus Street would fail the BRE Guide. The loss of light to windows at these properties which directly front onto Circus Street is considered to be a significant loss of daylight, and all habitable windows would fail. However, these properties have been built right at pavement edge, so all development which is higher than the existing development on the application site is likely to result in a loss of daylight which does not meet the BRE Guide.
- 8.132 *Grand Parade*
The rear elevations of the Grand Parade properties also face the development site. Some of these properties are in residential use.
- 8.133 31 to 33 Grand Parade – 9 habitable windows fail BRE Guide.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

The lower three windows are already heavily obscured by 10 Morley Street and 22 to 25 Circus Street and would not fail the BRE Guide as a result of the proposed development. Nine habitable windows at the upper two floors would experience a reduction from between 34 to 37 %VSC to 23 to 26 %VSC. Percentage reductions would be between 29 to 34%.

- 8.134 34 to 35 Grand Parade – 4 habitable windows would fail BRE Guide.
Four dormer windows at the top floor would pass the BRE Guide. Windows at the ground floor area already heavily obstructed but four habitable windows at the first and second floors would fail the BRE Guide and would experience a reduction of between 22 and 35 %VSC to between 15 and 24 %VSC. Percentage reductions would be in the region of 30 to 40%.
- 8.135 36 to 37 Grand Parade – 6 habitable windows would fail BRE Guide.
Three dormer windows at the top floor would pass the BRE Guide. Two habitable windows at the second floor would experience a reduction from 36 to 25 %VSC with percentage reductions of 30 to 31%. Four windows at the ground and first floors would experience reductions of between 17 to 34 %VSC to between 9 and 20 %VSC with percentage reductions of between 36 and 41%.
- 8.136 38 Grand Parade – 4 habitable windows would fail BRE Guide
Reductions in daylight of four windows at the first and second floors would be from between 30 to 35 %VSC to between 20 and 24 %VSC. Percentage reductions of between 32 to 34%.
- 8.137 40 to 43 Grand Parade – 10 habitable windows
Five habitable windows at the top floor would pass the BRE Guide.
Ten windows at ground to second floors would fail the BRE Guide and would experience reductions of between 11 to 33 %VSC to between 9 to 26% VSC with percentage reductions of between 23 to 41%.
- 8.138 46 to 46 Grand Parade – 4 habitable windows would fail the BRE Guide.
46 is already readily constrained by the adjoining office building 47 Grand Parade and therefore only one window out of four would fail the BRE Guide as a result on the development. Three windows at 46 would fail the BRE Guide with the top window passing. Windows would experience a reduction from between 16 to 25 %VSC to between 12 to 20% VSC with percentage reductions of between 23 to 27%.
- 8.139 48 Grand Parade – 5 habitable windows fail BRE Guide
There are five windows serving five different flats which are again already heavily obscured by the adjoining office building 47 Grand Parade. These windows would see a reduction in daylight from 13 to 21 %VSC to between 7 and 14 %VSC with percentage reductions of between 30 and 47%.
- 8.140 In total 42 habitable windows on the Grand Parade properties would fail the BRE Guide. Some of the basement and ground floor windows are already heavily obstructed by the adjacent development on Circus Street and these would not experience a significantly further loss of light as a result of the proposed development. Some windows at the top floors would pass the BRE Guide. The

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

worst affected windows are present at the mid range of storeys (generally first to second floors).

Sunlight

- 8.141 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 (APSH) 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.
- 8.142 The BRE guidance also advises that kitchens and bedrooms are less important than living rooms. Therefore windows which do not serve living areas have been discounted. Where it has not been possible to ascertain what room a window serves they have been included in the below figures

Milner Flats

- 8.143 There would be no impact on sunlight to properties within Milner Flats due to the orientation of the west facing elevation which faces slightly north west and is within 90 degrees of due north.

Circus Street

- 8.144 22 to 24 Circus Street – 8 living room/studio windows fail BRE sunlight guide at ground and first floors
21 Circus Street – 4 living room/studio windows fail BRE sunlight guide at ground and first floor.
16 Circus Street – 2 windows serving one living room fail BRE sunlight guide at first floor.

Grand Parade

- 8.145 34 to 37 Grand Parade – 6 studio/living rooms would fail BRE Guide for sunlight
38 Grand Parade – 1 living room/studios fail BRE Guide for sunlight
40 to 43 Grand Parade – 3 studio/living rooms windows BRE Guide for sunlight
48 Grand Parade – 3 windows would fail the BRE Guide for sunlight.
- 8.146 As with daylight, the impact on sunlight is most significant for the Circus Street properties which have been built direct on the edge of the pavement. Any development which is higher than the existing built form on the site, would be likely to result in these windows failing the BRE Guide for sunlight. The impact on Grand Parade properties is less significant and related to windows at lower level which are already significantly restricted in terms of sunlight as a result of adjacent rear projections on the Grand Parade properties and as a result of the Circus Street existing properties.

Overshadowing of existing amenity spaces

- 8.147 Nearby amenity areas have been tested and all would meet the BRE Guide when the proposed development is in place.

Daylight/Sunlight Summary

- 8.148 It is acknowledged that the loss of daylight to the Milner Flats (particularly the ground and first floors) and to the Circus Street properties is significant. Grand Parade properties are also adversely affected although the impact is less significant at the top and lowest floors, with the mid range being most affected. Loss of sunlight is also significant to living rooms present on Circus Street and to a lesser degree to some windows on Grand Parade properties.
- 8.149 With regard to daylight, the applicant has submitted information regarding the daylighting levels which are currently experienced within certain terraced streets in Brighton & Hove. These studies show that at the ground floor, daylight levels are likely to be in the region of between 8 and 20 %VSC, depending on the street. These figures are often for the worst case situation on the street where buildings heights are higher. The VSC figures also cannot show how the daylight is distributed within the room itself, which are often served by bay windows in order to increase this distribution. This information has to be treated with caution, and the BRE in their comments consider the VSC to be higher at the ground level of some of these streets. However, it is acknowledged that within Brighton & Hove and other inner urban areas, daylighting levels are normally significantly lower than the 27% prescribed by the BRE Guide. The BRE Guide itself gives guidance for local authorities which may want to set their own daylighting standards, and gives an example of 18% VSC for an typical historic Georgian street.
- 8.150 It is also acknowledged that the windows at the Milner Flats receive much higher levels of daylight than would normally be expected within a built up urban area due to their elevated position and limited levels of obstruction. This also true of Circus Street due to the wide street width and due to the relatively low former Market Building opposite. Notwithstanding this, residents of the Milner Flats, Circus Street and Grand Parade properties would still notice the loss of daylight/sunlight for those windows which fail to meet the BRE Guide. It is important to note that the site could not be redeveloped for the City Plan allocation without having a significant impact on the daylight received to adjacent residential properties. Development would need to be restricted to two storeys in height adjacent to the Milner Flats and between two and three storeys on the Circus Street elevation. This would severely reduce the quantum of development which could occur at the site and such a scheme would not deliver the quantum of development specified by the City Plan.
- 8.151 It is also recognised that daylight and sunlight provision to a window are one aspect of amenity, and that significant public realm improvements would be sought for Carlton Row and Circus Street which would benefit residents. Therefore, whilst the loss of daylight and sunlight to surrounding residential windows is regrettable, it is considered that this is outweighed by the overall public benefits of the scheme.

Outlook & Privacy

Milner Flats

- 8.152 The interface distances between the development (student blocks and Academic/Library Building) and the Milner Flats is summarised below:

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- Building E – between 12.2 and 13.2 metres.
- Building F – between 12.4 and 14.2 metres.
- Building G – between 10 and 10.6 metres.
- Building F – 12.2 and 11.8 metres.
- Academic/Library Building – 13.6 and 14.6 metres.

8.153 The height of the six storey section of the student blocks would be between 0.3 metres and 1.5 metres higher than the ridge height of the Milner Flats. The height of the Academic/Library Building would be 1.8 metres higher than the ridge of the Milner Flats.

8.154 The privacy of residents of the Milner Flats would be maintained by the use of angled windows along the east facing elevations of the proposed student blocks at the first to fifth floors. A condition is recommended to ensure that the longer part of the window would be obscure glazed. Given the use of angled windows, the interface distances are considered to be acceptable. Small windows are proposed to the east elevation of the Academic/Library building which would serve circulation space and W.Cs. Although the interface distances are greater between this building and the Milner Flats, in order to reduce the perception of overlooking it is also recommended that these windows are obscure glazed.

Grand Parade

8.155 The rear of the Grand Parade properties would generally be between 21 and 25 metres away from the proposed residential blocks on Circus Street. This is considered to be acceptable in terms of the interface distances.

Circus Street

8.156 10 Morley Street (25 Circus Street)

The bedroom and kitchen windows at each of the first and second floors which would be 7.4 metres away from the balconies on Building A. There is also a bedroom and kitchen window at ground floor which would be 9 metres away from a ground unit at Building A which would be used for ancillary communal residential facilities. The main aspect of the flats within 10 Morley Street face north towards Morley Street rather than east toward the proposed development.

8.157 22 to 24 Circus Street

Contains habitable windows at the ground and first floor which would be 8.6 to 8.8 metres from the commercial ground floor units and from the bedroom windows present on the first floor of Building B. Some windows would face towards the gap between Building A and Building D.

8.158 23 Circus Street

The three studio windows at the first floor which would face towards bedroom and living windows and the southern most window would face towards a balcony. Interface distances would be 7.6 metres to the balcony and 8.7 metres to the small bedroom windows.

8.159 16 Circus Street

The main aspect of the four first floor windows serving a living room and a bedroom would be towards the blank façade of Building C. However, they would face slightly at an angle towards a secondary lounge window and smaller bedroom window and the interface distance would be 8.7 metres.

8.160 51 to 52 Circus Street

The residential accommodation above the public house would be approximately 8.7 metres from the office building.

8.161 It is acknowledged that there are pinch-points between a small number of existing windows on Circus Street and the proposed development. However, a key aspiration of the design brief was to reduce the width of Circus Street and this is something which is supported by the Council's Heritage Team and the Sustainable Transport Team. The width of the street would be similar to those found in the nearby North Laine and Hanover areas. In addition, those existing windows which have been built right at the pavement edge on Circus Street already experience a degree of overlooking from pedestrians. Therefore it is considered that the interface distances are acceptable on Circus Street.

Proposed Scheme - Daylight & Sunlight

Daylight

8.162 BS8206-2:2008 Lighting for Buildings Part 2 Code of Practice for daylighting gives guidance for new development and recommends that that bedrooms receive a minimum of 1% Average Daylight Factor (ADF) for bedrooms, 1.5% ADF for living rooms and 2% ADF for habitable kitchens. Where one rooms served more than one purpose, the minimum ADF should be for that room type with the highest value.

Residential development

8.163 The ES has also provided an assessment of the amount of daylight the windows of the proposed development would receive. 77% of rooms within the development would meet the minimum standard for daylighting.

8.164 Within Building A, 62 out of the 69 rooms (90%) would meet the recommended ADF values. Seven bedrooms would not meet the minima and these are the second smaller bedrooms at the first, second and third floors which face east towards Building B.

8.165 Within Building B, 108 of the rooms would meet the recommended minimum standard (66%) and 64 rooms would not. (34%) 49 of these which don't meet the standard are combined living/dining and kitchen areas, and eight of these would meet the recommendation for lounges but not for kitchens. The rooms which don't meet the standard would equate to 100% of living areas at the ground floor, 90% at the second to third floors, 80% at the fourth and 60% at the fifth floor. One living/dining/kitchen area at the seventh floor would not meet the minimum standard. Four bedrooms out of 13 would not meet the minimum standard at ground floor, but this would be reduced to 3 at the first floor, 2 at the second and third floor and 1 at the fourth floor. This building is the most constrained in terms of adjacent built form and the lower daylighting levels to living spaces are also as a result of the balconies which reduce the amount of light the windows can receive.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.166 33 rooms (83%) in Building C would meet the minimum requirements, however 7 (17%) would not and these are all living/dining/kitchen areas. Of these 7, four of them would meet the minimum standard for living areas but not for habitable kitchens. This would equate to all three living areas at the first floor, and 2 out of 3 living areas at the second and third floors. Again, this is thought to be mainly related to the impact the balconies have on the light to the window and room behind.
- 8.167 Within Building D, 66 rooms (74%) would meet the minimum standard but 14 rooms (226%) would not. Again, all of these rooms are living/dining/kitchen areas and of these 14, three would meet the minimum standard for living areas. The rooms that don't meet the standard equates to four out of six living areas at the first and second floors, three at the third floor, two at the fourth floor and one at the fifth floor. Again, daylight to these rooms are affected by the proposed balconies.
- 8.168 It is considered that overall the proposed residential accommodation would be well lit. It is generally found that high density development within built up urban areas will not meet the minimum standard for every room. The balconies play a large part in reducing the amount of daylight the rooms can receive. However, it is considered to be preferable for as many flats as possible to have their own balcony. It is also important to note that the majority of rooms which meet the minimum standards have ADF levels that are far in excess of the minimum standards recommended.

Student accommodation

- 8.169 82% of rooms would meet the minimum daylighting standard.
- 8.170 Within Building E, 10 rooms (10% of the total) would not meet the minimum standard and these face south in close proximity to Building F. The rooms that don't meet the standard equate to six living/kitchen areas and 4 bedrooms.
- 8.171 Within Building F, 38 rooms (18% of the total) would not meet the minimum standard. Of these 10 are bedrooms mainly on the west facing elevation at either end. All living rooms facing east at the first to sixth floor would not meet the minimum standard, although the sixth floor living/kitchen areas would meet the minimum standard for living areas but not for kitchen areas. The reduced daylight predictions for the living areas is mainly as a result of the horizontal screens proposed on the windows which would protect the privacy of the residents of the Milner Flats.
- 8.172 Within Building G, 14 rooms (13% of the total) would not meet the minimum ADF standard. These are mainly rooms at the ground floor but also include living rooms at the second to sixth floor which are in close proximity to Building H and bedrooms at the second to third floors which are in close proximity to Building F.
- 8.173 Within Building H, 28 rooms (24% of the total) would not meet the minimum ADF standard. These include 22 bedrooms which are in close proximity to Building G and the Academic/Library Building and six living/kitchen areas which are in close proximity to Building G.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Overall it is considered that the student accommodation would have good access to daylight particularly the bedrooms. It is considered to be acceptable for the living rooms to have lower levels of daylight as a result of the proposed horizontal screens, as these would protect the privacy of the residents of the Milner Flats.

Sunlight

- 8.174 The BRE guidance recommends that at least one main window wall for a dwelling should face within 90 degrees of due south. The guidance also recommends that the centre of at least one window to a main living room should 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.

Residential Development

- 8.175 The residential development has been designed so that the majority of flats have a main wall facing south, east or west. There are some walls on Buildings B and D which would face slightly north of due west, and as such would receive less sunlight overall. There would be six flats in Building A and seven flats in Building B which would have their main aspect facing north apart from the second bedroom which would face east. There would also be five flats within Building C which would face north apart from a secondary window to the living/kitchen areas which would face east.
- 8.176 The majority of living room windows and balconies facing south on Buildings A, B and C would meet the BRE Guide. Windows facing slightly south of east on Buildings B and D would be more constrained at the lower floors in terms of the amount of sunlight the windows and balconies would receive. This is mainly due to their orientation and nearby buildings. However, overall it is considered that the orientation of the residential buildings and the way they have been designed internally would result in the windows and balconies achieving good levels of sunlight.

Student accommodation

- 8.177 Within all student developments, there will inevitably be some student study bedrooms which face north, although for this scheme these numbers are relatively low compared with the overall numbers. 32 study bedrooms within Buildings E and G would face north and 42 would within Building H. This equates to 24% of bedrooms. The majority of living rooms have been designed to face east, south or west (slightly north of west). The exception to this are the living rooms proposed within Building H which would face north.
- 8.178 The majority of living areas in Building F would meet the BRE minimum guide, however the majority of living areas in Buildings E and G would not due to the close proximity of Building F. However, overall it is considered that the student accommodation would achieve reasonable levels of sunlight,

Open Spaces

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.179 There are three shared amenity spaces which have been tested with regard to the amount of direct sunlight they would receive. These areas are the shared amenity space in between the residential buildings, the shared amenity space for the student accommodation and the public square. None of the areas would meet the BRE recommended standard that at least half of an amenity space should receive at least two hours of direct sunlight on the equinox (21 March). The equinox is the point when the sun is at the half point in the sky. The sun is higher within summer months and as a result areas generally receive significantly more direct sunlight.
- 8.180 The ES found that on the equinox (21 March) none of the amenity areas would meet the BRE standard. However, as expected they would receive more sunlight in summer months. This is discussed further below.

Public Square

- 8.181 The north side of the square would receive the most sunlight. The area immediately outside the Academic/Library building and Student Building H would be the most constrained in terms of the sunlight it could receive due to the orientation of the buildings. On the equinox small sections of the square would receive sunlight around lunchtime. In the summer months larger sections of the square would receive sunlight between mid-day and early afternoon but would be mostly in shade by 5pm.

Residential & Student Amenity Areas

- 8.182 A small section at the southern side of both amenity areas would be heavily constrained in terms of sunlight. However, the northern half would receive the most sunlight during midday to early afternoon of the equinox. During summer months the majority of both of these spaces would receive sunlight from lunchtime to late afternoon.
- 8.183 Given the location within the built up City Centre and the quantum of proposed development on site, it is considered that the spaces would be adequately lit with lunchtime and afternoon sun when the areas are more likely to be used.

Future residents – Outlook and privacy

- 8.184 A large proportion of the student rooms would be lit by angled windows which limits the outlook from the window but still enables the room to be lit. The living areas would be lit by a mixture of angled windows and glazing with screens. The angled windows and screens prevent overlooking to the Milner Flats and from between the individual student blocks themselves and towards residential Building B. Whilst it would always be preferable for a greater degree of outlook to be reached for residents, the angled window design is an effective way on balancing good daylight provision to a room, whilst preventing direct overlooking to neighbours. Angled windows are a solution which have been used successfully in other areas of the City.
- 8.185 The residential development generally has good levels of aspect for the main windows serving the living areas and the main bedrooms. There are a few pinch-points within the development itself, for example 3 metres between the east elevation of Building A and a section of the west elevation of Building B. A condition is recommended to require that the staircase on Building B be obscure

glazed which would prevent overlooking. There would be 4.7 metres between the north and south elevations of Building D and part of the elevations of Buildings A and C. It is considered necessary to condition that the secondary side lounge windows on the south and north elevations of Building D are obscure glazed which should remove overlooking to windows at Buildings A and C.

- 8.186 There would be 14 metres separating Buildings B and D with the shared amenity space present in between. There would be 4 metres between a small section of Building B and student Buildings E and G. However, there are no windows to the west elevations of Buildings E and G.
- 8.187 The majority of balconies have been spaced so that they do not face directly towards each other and all of the living areas would achieve a good aspect. The scheme has been designed to that overlooking between the development itself is limited. The public realm and landscaped amenity areas would enhance resident's outlook.

Noise & Vibration

Construction Impacts

- 8.188 Residents living near to the site boundary would be exposed to construction noise. Other potential construction impacts are vibration and dust.
- 8.189 The following British Standards set out guidance for construction noise and vibration:
- BS5228-1:2019 and A1:2014: Code of practice for 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.
- 8.190 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).
- 8.191 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.
- 8.192 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 expression

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

“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. It shall also have regard to safety, and safe working conditions and any emergency of unforeseeable circumstances

8.193 The ES identifies four main phases which are detailed below. The development would be built out in three overlapping phases across approximately three years.

Activity	Programme
Enabling works and demolition of all buildings on site	Q3 2014 – Q1 2015
Phase 1: Student Accommodation & Academic/Library Building	Q3 2014 – Q4 2016
Phase 2: Residential	Q2 2015 – Q1 2017
Phase 3: Office & Dance Studio	Q2 2015 – Q1 2017

8.194 For each phase the following is predicted:

- Earthworks and substructure– 6 months
- Superstructure works – 9 months
- Fit out - 6 months
- External Landscaping works – 3 months

8.195 Immediate sensitive receptors include residents of the Milner and Kingswood Flats, residential and commercial on Circus Street, Grand Parade and Morley Street, the Clinic and Children’s Welfare Centre and the Turner Children’s Centre on Morley Street, the University of Brighton buildings and the Police Station. As the development is phased the student accommodation and the library would be occupied while Phase 2 and 3 is under construction and therefore they would also become sensitive receptors. The student accommodation and the Academic/Library Building would screen residents of the Milner Flats and also some residents and clinics located to the east on both Kingswood Street and Morley Street, from the Phase 2 and 3 construction noise.

8.196 Following comments received from Environmental Health, the Noise & Vibration Chapter of the ES has been amended. The amended chapter includes a more detailed prediction of noise levels at surrounding properties which is based on the predictions related to the specific plant which would be used during the construction process. More detailed noise predictions for works close to the boundary have also been carried out. There would be various phases of the demolition and construction which would be noisier than others, such as demolition, excavation and substructure works (piling). However, the applicant has been able to rule out the method of sheet piling and would use a less noisy method of piling such as rotary piling.

8.197 BS5228-2:2009 and BS6472-1:2008 contain guidance on vibration standards. The ES predicts that vibration levels will fall within acceptable thresholds defined within these BS’s. The applicant has committed to baseline and real-time vibration

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

monitoring at key stages such as piling and the Section 61 Agreement will also require this.

- 8.198 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 Team.
- 8.199 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 under 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.
- 8.200 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 finding 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 applicant has also provided a commitment to follow the best practice guidance within BS5228:2009 and A12014 which includes the fitting of silencers/mufflers and acoustic covers to certain plant, shutting down of machines in periods between usage, good maintenance of all plant and machinery and siting of stationary plant where possible away from sensitive receptors.
- 8.202 A 2.4 metre high hoarding would be erected around the site. Acoustic screens and enclosures would also be used in order to screen static items of plant. Additional localised or movable screening structures would also be implemented in certain situations where the hoarding would be ineffective in terms of soundproofing. An example if this is adjacent to the eastern boundary where the site is at a much lower level than the Milner Flats, or when plant is used in the middle of the site away from the hoarding. These additional localised and movable screening structures are likely to be needed during certain demolition activities, piling, and elements of the ground works.
- 8.203 The applicant has been able to rule out the need for the noisier sheet piling and instead has committed to the use of rotary piling (e.g. rotary bored piling or continuous flight auger piling). A condition preventing sheet piling is proposed.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.204 Wheel washing facilities would also be incorporated into the construction site and the applicant has committed to regular road cleaning during the excavation works.
- 8.205 The ES has included the commitment from the applicant to develop a community awareness programme to keep neighbours informed of the construction works programme. Neighbours would also be notified in advance of the construction activities which could generate higher levels of noise.
- 8.206 The construction routes and delivery management plan will form part of the CEMP which should ensure that HGV movements are managed. It is envisaged that all trips will be from Grand Parade to Circus Street via Kingswood or Morley Street. It is also proposed to secure a transport plan which covers construction workers as part of the CEMP. The number of construction vehicles accessing the site has been predicted as a worst case scenario of 116 to 130 two way HGV trips within a 10 hour day (13 per hour) for Q1 to Q3 2016. The number of commercial traffic is expected to be 28 two way vehicle trips (15 LGV's and 13 HGV's) within the morning and evening rush hour during this period.
- 8.207 As with other major developments within the City, it is also recommended that the developer holds a 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.
- 8.208 The amended noise assessment now includes worst case examples of activities being carried out at the site boundary for different demolition and construction stages and includes a detailed assessment of the level of construction noise at adjacent properties. Environmental Health Officers are now satisfied that subject to the mitigation measures detailed above, the construction impacts can be controlled effectively through the CEMP and the S.61 Consents and that the noise levels would be in line with the guidance within BS5228-1:2019 and A1:2014
- 8.209 The applicant has committed to carrying out vibration monitoring during those works (piling works and certain demolition activities) which give rise to the most vibration. Low vibration piling techniques such as the rotary bored piling and controlled demolition techniques would reduce vibration levels. The ES has predicted that vibration levels would fall within the acceptable standards defined within BS5228-2:2009.
- 8.210 The construction impacts will differ from phase to phase and for each activity within a phase. The CEMP will set out the broad principles while the Section 61 Consents will require key parameters to be set for each different activity and will require that the developer agrees to set limits for noise and where appropriate vibration, carries out noise and where appropriate vibration monitoring, works within set hours, uses best practical means and certain plant and machinery and implements certain necessary mitigation measures.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Operational Noise

- 8.211 Operational noise that could impact on surrounding existing residents/occupiers and future residents/occupiers of these scheme itself, 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.
- 8.212 Subject to securing a final Management Plan for the Student Accommodation Building, it is considered that the proposed uses are appropriate in terms of their location. The application is accompanied by a draft Student Management Plan, which sets out the board principles. A CCTV system would be installed which would be linked back to the management office and monitored 24 hours a day 7 days a week. This should enable staff to respond quickly to any incident. Music and other sound generating media would be monitored and kept under control by the management team to avoid disturbing other students and neighbours. The draft Management Plan states that if persistence after a warning continues then this would be considered a breach of the tenancy agreement and appropriate action would be taken.
- 8.213 The applicant has committed to ensure that there would a 24 hour security staff presence on site. All details within this Draft Management Plan must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development. The further education establishment (Brighton University) must also sign up the principles of the Management Plan.
- 8.214 The management of the student amenity spaces will also be important in order to prevent noise nuisance. The student amenity areas should not be used after 10pm, and this should also form part of the final Student Management Plan and tenancy agreements. As the amenity areas have open access, 24 hour staff would be responsible for ensuring that these hours are complied with.
- 8.215 The square would only be used between the hours of 9am and 11pm. The square could be used for up to 52 non amplified events and up to 12 amplified events per calendar year. This information should be specified in the Management Plan Framework. All amplified events are also likely to be subject to agreement with the Council through the application process for licensing events. The square would mainly be used for events in connection with the Academic/Library Building, the South East Dance Building and other local community events.
- 8.216 The public square would be managed and maintained by the Estate Manager and there would be a Steering Group set up with representatives from the stakeholders and neighbours including Brighton University, South East Dance, future retailers, the future residents' management company, Kingswood and Milner residents' association and the Turner Area Partnership. It is recommended that a Management Plan Framework for the public events square and final details of the Steering Group are secured through the Section 106.

Servicing/deliveries

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.217 A condition requiring that hours of deliveries to the commercial elements of the site are only between 8am and 8pm Mondays to Saturdays and not at any time on a Sunday or Bank Holiday, is recommended.

Plant/Machinery

- 8.218 There would be a number of externally mounted fixed plant installations along with internal plant rooms with louvred grills at the undercroft car park level and at ground level. The exact specification of plant is not yet known, however, the applicant has committed to achieving certain daytime and night-time rating levels for the plant. The selection of appropriate plant and appropriate attenuators should achieve these noise levels. Conditions to require that the details of the plant are agreed, and to also require maximum noise ratings, are proposed for each phase.

Proposed Residents/Occupiers

- 8.219 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 2014: Sound Insulation and Noise Reduction in Buildings – Code of Practice;
 - World Health Organisation (WHO) 2000: Guidelines for Community Noise.
- 8.220 Facades adjacent to Circus Street would experience noise levels in the region of 60 to 63 dBL_{Aeq}, with the highest level being found to the north at the junction with Morley Street. Noise levels would decrease north along Morley Street to approximately 56 to 63 dBL_{Aeq}. Facades facing into the middle of the site would experience much lower noise levels in the region of 37 to 51 dBL_{Aeq}.
- 8.221 Mitigation is needed in the form of high specification glazing, mechanical ventilation and acoustic trickle vents.
- 8.222 Whole house mechanical ventilation systems are proposed for all residential development with a mechanical ventilation system proposed for all sensitive spaces within the Academic/Library Building and the Dance Studio. Whilst these systems are primarily designed to mitigate against road traffic noise they could also mitigate against any future noise from the adjacent public house (51-52 Grand Parade) and the nightclub (1 to 2 Morley Street). The student accommodation would feature natural ventilation via trickle vents.
- 8.223 The sound insulation performances of the building envelope for the Academic/Library Building, Office Building, Residential Buildings and Student Accommodation Buildings have been designed to meet BS8233 and the Dance Studio designed to meet BB93. Conditions requiring that the development meets these various standards are recommended.
- 8.224 The shared amenity areas are away from the road frontages and the buildings would have a buffering effect with regard to the road traffic noise. All of the shared amenity spaces and the public square would have noise levels which would fall within the guidelines recommended by BS8233 (upper limit of 55 L_{AeqT} dB). It is

recognised that the balconies present on the road frontages, especially those at the lower floors, would experience higher noise levels than those recommended in BS8233 and would be in the region of 56 to 63 L_{AeqT} dB for Circus Street and 57 to 61 L_{AeqT} dB for Morley Street. The inside of buildings can be designed so that appropriate noise levels can be reached, but unfortunately balconies can't. The external noise levels are to be expected for this inner City area and it is considered preferable for residents to have a balcony even if the noise levels would be over the recommended standard in BS8233.

Amenity and Open Space and Recreation Provision

8.225 Policy HO5 requires the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. The development comprises a high density flatted scheme in addition to student accommodation. The majority of the residential flats would have balconies. There would be three main shared amenity spaces for the residential and the student accommodation (Circus Court, Woodland Edge and The Glen). In addition there would be a public events square (Circus Square) and a plaza space east of the Library/Academic Building. These spaces would total 2,935 sqm which is considered to be adequate open space/amenity provision for the development. The individual spaces would comprise the following areas:

- Circus Square (public event square) 696 sqm;
- Circus Court 735 sqm;
- Woodland Edge 650 sqm;
- The Glen 611 sqm;
- Library/Academic Building 243 sqm.

8.226 Policy HO6 requires provision of outdoor recreation space in accordance with the standard of 2.4 hectares per 1000 population. This ratio has been fed into SPGBH 9 and the Open Space Contributions Calculator which provides a total sum of a contribution for off site open space and recreation provision where there is no on site provision. The calculation has been carried out and some allowance has been made for the grassed amenity space on site described above which is not wholly private so could count towards public provision. The Calculator also includes provision for indoor sport.

8.227 Following revisions to the development proposals and an allowance made for on site provision of amenity green space, the total contribution for recreation and open space has been calculated as £910,484.

8.228 As has been covered elsewhere in this report, viability is critical to the deliverability of the regeneration of this site in accordance with policies for the site. The applicants have proposed a total of £300,000 in total for S106 contributions for the whole development. £125,000 is sought for open space, sport and recreation including indoor sport and the contribution amount is discussed further in the Viability section of this report.

8.229 The City Parks team and the Sports Facilities manager have identified potential allocations of funding for the contribution which would be set out in detail in a

S106 agreement. The Valley Gardens Project includes improvements to the amenity space designed to enhance its appearance and to enable better use to be made of the open space. This would be the most appropriate location close to the development for improved parks and gardens space. Other contributions such as outdoor recreation and children's play space could be directed to local parks such as Turner and Queen's Parks and indoor improvements could be directed at the Prince Regent swimming pool complex where there are aspirations for example to enhance the gym and fitness facilities. These potential projects would be within the catchment area of the development.

Accessibility

- 8.230 All of the residential units have been designed to meet Lifetime Homes Standards. The applicant has committed to the provision wheelchair accessible units (5% of total). This would equate to seven units. The internal layout of the eight ground floor units within Building B could be adapted so that they would meet wheelchair accessible standards. These units would all be one bedroom units. Whilst it would be preferable for the wheelchair units to comprise a mixture of two and one bed units, the Council does not have any adopted policy or guidance to insist on this. In theory, two bed units could be adapted at the upper floors, however they would be served by one lift only. It would be preferable for wheelchair units at the upper floors to be served by two lifts, however, again the Council does not have any adopted policy or guidance to insist on this. Conditions requiring that all dwellings are built to Lifetime Homes standards and that 5% are built to wheelchair accessible standards are proposed. A condition is also proposed to require that 10% of the affordable housing units are built to wheelchair accessible standards which would equate to three of the overall seven wheelchair accessible units.

Transport

- 8.231 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 TR8 would permit development proposals which provide for the needs of pedestrians by creating short, safe attractive and direct routes for walking. TR18 and TR19 relate to the provision of parking spaces for people with disabilities and parking standards in general which are set out in detail in SPG4 'Parking Standards'. Policy HO7 would 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.
- 8.232 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.
- 8.233 The proposed number of car parking spaces on site would be reduced from the current provision of 52 public car parking spaces to the proposed number of 38 parking spaces accessed from the elevated end of Morley Street but provided below Level 1 of the new development. There would be 9 standard parking spaces

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

and 10 disabled parking bays allocated for the residential flats. For the proposed offices, there would be 13 standard spaces and 6 disabled parking bays. The applicant also proposes to apply for additional parking bays on street around the site subject to making a Traffic Regulation Order.

- 8.234 The 38 parking spaces proposed have been reduced from 43 in order to accommodate an increased number of disabled bays. The Transport Policy Officer has commented that there would still be a shortfall of disabled parking bays for the office and residential uses against the standards set out in SPD4 as well as some concerns over the use of the office car parking.
- 8.235 The applicants have sought to comply with the parking standards as much as possible. As with other aspects of the scheme, viability of the whole development is the key to the implementation of a mixed regeneration scheme on this site and the availability of parking spaces for occupants does affect residual value of residential properties as well as rentals on offices. The development is finely balanced in viability terms due to the applicants seeking to comply with the site allocation in the City Plan. It is for these reasons that the applicant has not proposed more on-site residential parking spaces up to a maximum of 170 (which they could do under SPG4) in order to achieve the necessary quantum of development on site to make the development viable.
- 8.236 The application as submitted proposed 43 parking spaces but only 4 disabled bays. The balance in favour of disabled bays has been significantly shifted so that they constitute 16 out of a reduced overall total of 38 spaces or 42% from 4 out of 43 spaces or 9%. The number of disabled bays provided for residential units under SPG4 should be 1 in 10 flats i.e. 14 for this proposal. The proposed offices should provide 36 disabled bays but provides 6 together with 13 standard spaces.
- 8.237 The Highway Authority have therefore requested a detailed Travel Plan in order to monitor the use of all parking bays and disabled parking bays in particular by employers within the site and has suggested the consideration of bespoke on-street spaces for disabled employees. It would be difficult to assess whether the numbers of disabled parking bays would be sufficient when the office development has no end user signed up. Under the Equalities Act 2010, Government guidance is that it would be reasonable to expect an employer to make adjustments to provide a disabled parking space in the car park. It is considered therefore that as it would be practical to make adjustments to the proposed parking spaces to provide additional disabled bays in place of standard sized spaces if required this could back up an agreed Travel Plan.
- 8.238 Circus Street currently has 45 on street spaces, 35 of which are mixed resident/pay and display, 8 are pay and display only and 2 disabled bays.
Morley Street has 36 on street bays, 21 mixed resident /pay and display and no disabled bays.
Kingswood Street has 11 pay and display bays and one disabled bay with no resident bays.
- 8.239 The proposals would result in the loss of 47 on street parking bays in order to accommodate the development and to reduce the width of Circus Street so that it

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

operates as a shared surface. The applicants have carried out surveys of the take up of on-street spaces around the site. The surveys have indicated that there would be sufficient capacity within the surrounding network to accommodate the 47 displaced parking spaces. The surveys also concluded that there are sufficient spare resident bays in the surrounding network to accommodate displaced parking. The Transport team have accepted the applicants assessment.

Cycle Parking

- 8.240 The application proposes 605 cycle spaces. Following the reduction in floorspace in respect of the B1 office and the Library and the student unit numbers, the cycle parking requirement would be 384 with an additional 4-5 spaces for the ground floor flexible use retail units.
- 8.241 The main locations of the cycle parking are in the basement of the Block H student tower; ground floor of Block A residential; ground floor of the office whilst residential Blocks B, C and D would have cycle storage on each floor close to the lifts at a ratio of over 2 per flat.
- 8.242 Whilst neither a planning requirement nor an obligation required by the Planning Authority, it is known that each flat will be provided with a free bicycle on occupation.
- 8.243 The numbers of cycle spaces is considerably in excess of the standards required in SPG4. The Highway Authority has asked that 10 of the general cycle spaces are covered for visitors to the retail outlets and public buildings on the acceptance that they would be short stay.
- 8.244 It should be verified by condition that the cycle storage across the site would meet the guidance for access, design and spacing of storage facilities but given the comfortable exceedence of the standards this should not be problematic. In respect of cycle parking, the proposal would more than meet Policy TR1 and SPG4 requirements.

Trip Generation

- 8.245 As part of the proposals, the applicants have proposed that Circus Street be altered to a one way northbound route which would operate as a shared surface for vehicles and pedestrians and cyclists. This has been encouraged by the Planning Authority to help improve the public realm and to reduce the main use of this road as a short cut to avoid the Grand Parade/Edward Street junction for eastbound traffic. The result would be a significant cut in traffic flows in Circus Street which would, it is considered become a much more pleasant location with landscaping, new hard surface treatment and would be lined on one side with retail units and businesses drawing pedestrians into the area.
- 8.246 The trip generation rates provided demonstrate satisfactorily that Grand Parade could accommodate the additional traffic potentially generated by the development which would be at the busiest junction with Kingswood Street. The Highway Authority does not have any concerns about the junction capacity here. Access to the proposed subterranean parking on site would be accessible via Morley Street.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.247 If the Valley Gardens proposed Masterplan is implemented, traffic would become 2 directional on the east side of Grand Parade whilst buses would travel north and south bound on the west side of Valley Gardens. Vehicles emerging from Morley Street would have to turn left (south) onto Grand Parade as the existing tree belt on Victoria Gardens would form a barrier between north and south bound traffic under the Masterplan. Thus a new short cut from Kingswood Street for traffic wishing to travel north could not be created.
- 8.248 The Highway Authority agrees with the applicants that capacity exists locally for the estimated increases in public transport trips and therefore it is not considered appropriate for any transport contribution to go towards public transport.
- 8.249 Due to the viability of the scheme, it has been agreed with the applicants that the total planning contributions that might otherwise be required would not be sought. The Transport Policy officer has accepted this and would accept a reduced contribution towards transport. It is considered that where it has been demonstrated that there could be a huge demand for infrastructure and there would not be sufficient capacity of infrastructure those areas in most need would be prioritised. Transport would require a contribution however which could go towards the works required to improve pedestrian and cycle access routes in and around Valley Gardens under the Masterplan.
- 8.250 Account has also been taken of some of the proposed benefits of the development for transport infrastructure. Circus Street would benefit from a programme of works to reduce its width, carry out re-surfacing, planting and landscaping at the applicant's expense. This would help to calm the traffic down and prevent rat running to avoid the traffic junction at Kingswood Street and Grand Parade. The applicants would provide significantly more cycle spaces on site and off site than is required by SPG4 standards. A contribution towards the open space and amenity works in Valley Gardens would also be provided through the Valley Gardens Project which will contribute towards the Valley Gardens budget overall.
- 8.251 In terms of the highway works proposed by the applicants, part of Circus Street, Kingswood Street and Morley Street would be stopped up. The applicant would be required to enter into a S278 agreement under the Highway Act enabling them to carry out the highway works which can be secured by a Section 106 Agreement. This would include access to the proposed car park. The Construction Environmental Management Plan will include construction traffic movements would be secured through the Section 106 Agreement. A draft Travel Plan has been submitted details of which can be required by condition. The applicants have offered to fund membership for all residential occupants of a Car Club for a year as well as a 'welcome pack' detailing sustainable transport options.
- 8.252 The applicants have submitted a Student Management Plan details of which would require approval by condition. Part of the strategy covers arrangements for moving in and out of the accommodation. Examples of measures that would be taken are:
- Booking an appointment to move in or out.
 - Specific time slots of 15 minutes
 - Unloading and loading will take place in the car park using 10 spaces.

- Staff will be on hand to help with carrying and to provide holding bays for luggage to be transferred until the vehicle arrives.
- All details will be included in a welcome pack including details of public car parks nearby for longer stays.
- The moving out period will be less concentrated as students disperse with peak periods after exams and again at the end of the tenancy.

8.253 It is considered that this issue has been considered by the applicants and that subject to a final detailed management plan, the moving in and out transport issues should not cause disruption to local residents or to the highway networks. The Transport team have accepted this approach.

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.

Pedestrian Safety

8.255 The pedestrian safety criteria is concerned with strong winds and 'General Public Access' and a distress criteria which can only be exceeded less often than 1 hour per year (15 m/s and a gust speed of 28 m/s – equivalent to Beaufort Force 6) 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 1 hour per year).

Pedestrian Comfort

8.256 There are five standards which are related to acceptable wind conditions for various activities which are listed below:

- Long term sitting: Reading a newspaper, eating and drinking;
- Entrance Doors and Standing: Bus stops, window shopping and building entrances;
- Leisure walking or 'strolling': General areas of walking and sightseeing;
- Business walking : Appropriate for more purposeful walking ;
- Road and car parks: Appropriate for more open areas where pedestrians are not expected to linger.

8.257 The ES Chapter makes an assessment of the significance of any change in wind conditions, and also an assessment of whether the wind conditions are suitable for the intended usage of the area. A wind tunnel exercise was used to inform the ES, which is generally accepted as being the most accurate form of modelling and testing of wind conditions.

Existing Wind Conditions

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.258 Generally, the existing conditions at the site were found to be relatively calm and suitable for the desired pedestrian activities on the site itself and on the immediate adjacent sections of pavements. However, the south west corner of Circus Street, was found to be to be suitable for business walking during the windiest season, which is one category windier than would be desired. The corner of Kingswood Street with Grand Parade, and the section of Kingswood Street adjacent to the Kingswood Flats, were also found to be windier. These two areas were found to be suitable for leisure walking.
- 8.259 The pedestrian safety criteria was found to be exceeded at Kingswood Street at the corner of Circus Street, Grand Parade and adjacent to Kingswood Flats (up to 4.6 hours per annum).

Proposed Wind Conditions

Surrounding streets

- 8.260 Within the worst case windiest season (December to February), Morley Street was found to be suitable for sitting or for standing/entrances, and this is the same as the existing environment. Circus Street was found to be suitable for sitting or for standing/entrances, apart from the south end at the junction with Kingswood Street, which was found to be suitable for leisure walking. This is an improvement over the existing conditions at the corner. The rest of Kingswood Street was also found to be suitable for sitting and for standing/entrances apart from the south side of the junction with Grand Parade and the area immediate to the Kingswood Flats, which were both found to be suitable for leisure walking. These conditions are the same as existing.
- 8.261 Carlton Row was also tested and was found to be suitable for sitting or for standing/entrances in the windiest season, which is the same as the existing environment. This area was found to be suitable for sitting in the summer months.

Public spaces/streets within the development

- 8.262 Within the worst case windiest season all streets and the majority of spaces at ground floor within the development itself were found to be suitable for sitting or for sitting/entrances.
- 8.263 The exception to this was one point within the residential shared amenity space to the west of Building B, which was found to be suitable for leisure walking in the worst winter months and suitable for standing/entrances in the summer months, with the rest of the amenity area suitable for sitting. The wind tunnel exercise was carried out without any of the proposed landscaping or proposed tree planting included. The wind assessment concludes that the proposed planting within the shared amenity area would shelter this area further and would make it suitable for sitting in the summer months.
- 8.264 The whole of the public square and student accommodation amenity areas were found to be suitable for sitting during the summer months.

Entrances

- 8.265 All but one of the entrance points to the buildings would be suitable for sitting or for standing/entrances. The exception to this is the corner of Circus Street and

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Kingswood Street where the conditions are suitable for leisure walking in the worst winter months, but are suitable for standing/entrance in the summer months.

Balconies

- 8.266 Balcony levels were also tested and were found to be suitable for sitting and for standing/entrances during the worst case windiest season and suitable for sitting during the summer season.

Roof terraces

- 8.267 Two small roof terraces have been added to the scheme, one on top of Building H and one on top of the Academic/Library Building. These have not been tested in terms of their wind environment. Therefore a condition is recommended to require a wind mitigation study be carried out and if necessary any mitigation measures, prior to either of these areas being publically accessible.

Pedestrian safety

- 8.268 One exceedance of the pedestrian safety criteria was found on Kingswood Street adjacent to the Kingswood Flats (up to 4.4 hours per annum). This is outside the application site and the wind conditions at this area are similar to the existing conditions. The pavement is very narrow in this location. Given that it is not worse than existing, mitigation is not considered to be necessary.
- 8.269 Overall, the site is considered to have a good climatic environment with wind conditions that would be suitable for their purpose. There is a small area within the residential amenity space which is suitable for standing and not sitting, and the entrance to the retail unit within the office building (corner of Kingswood Street and Circus Street) would only be suitable for leisure walking rather than standing/entrances. The results are worst case with no planting or landscaping modelled and are therefore likely to improve once landscaping has been incorporated on the site.

Air Quality

- 8.270 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.
- 8.271 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 as defined within the 2007 National Air Quality Strategy. The national annual mean NO₂ objective is 40 µgm⁻³.
- 8.272 There are two main impacts in relation to air quality which arise during the construction phase (dust, plant and vehicle emissions) and operational phase (vehicle emissions and plant emissions (boilers/CHP)). The two main pollutants for both phases are fine particulates (dust and PM₁₀) and Nitrogen Dioxide (NO₂).
- 8.273 Diffusion tube monitoring sites on Grand Parade have recorded NO₂ concentrations which are above the national objective for the annual mean. However, the long term monitoring station at Brighton Pavilion is more accurate

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

and has recorded concentrations in recent years which are just below the national objective.

- 8.274 Emissions in the area are mainly as a result of vehicle emissions, however the proposed CHP and gas boilers will also emit NO₂ and could contribute towards concentrations at pavement level.
- 8.275 The ES has used both types of monitoring results and has produced existing and proposed modelling data for the application site and surrounding area. The ES predicts the concentrations for fine particulates (PM₁₀) for Grand Parade and the application site are below the national short term and long term objectives.
- 8.276 The ES predicts that NO₂ concentrations at the pavement level would exceed the annual mean national objective at Grand Parade and on the western part of the application site adjacent to Circus Street. However, concentrations of NO₂ decline rapidly in an easterly direction when moving away from Grand Parade. Concentrations would be just above the annual mean NO₂ objective on the western side of the site falling to within the objective towards the centre and eastern area. Concentrations are predicted to meet the short term NO₂ objective (hourly mean) for all parts of the site and surrounding area.

Construction

- 8.277 During the demolition and construction phases of the development, dust from demolition and construction activities and exhaust emissions from plant and vehicles, are predicted to be the main sources of air pollution.
- 8.278 Due to the large scale demolition and construction activities and the high number of residents and occupiers surrounding the site, the ES had predicted that the application site is a high risk site with regard to dust impacts and therefore mitigation will be needed to control dust.
- 8.279 There are a number of generic mitigation measures proposed such as recording of complaints, on and off site inspections, erection of solid screens and barriers, avoiding site run-off of water and mud, reducing storage of dusty materials and minimising emissions from stockpiles by covering, fencing or damping down. Use of machinery with suitable dust compression, enclosed chutes, conveyors and covered skips, use of water assisted dust sweepers to clean access and local roads, ensuring vehicles leaving and entering the site are covered and installation of wheel washing systems are all proposed. A Dust Management Plan and a Construction Logistics Plan are proposed. It is proposed to secure these through 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.
- 8.280 Plant and machinery used during the construction processes could also give rise to PM₁₀ and NO₂ emissions. In order to control the location and the incorporation of the best practical means in terms of the emissions of any plan and machinery, it is also proposed to secure an Air Pollution Risk Assessment and Method Statement as part of the CEMP.

8.281 Construction vehicles are another source of both PM₁₀ and NO₂ emissions. The number of construction vehicles accessing the site has been predicted as a worst case scenario of 116 to 130 two way HGV trips within a 10 hour day (13 per hour) for Q1 to Q3 2016. National guidance (Environmental Protection UK) indicates that significant impacts to air quality are only likely to arise when HGV trips are increased by 200 or more per day (two way trips). Therefore, the impact of the construction vehicles on local air quality is not considered to be significant and would be temporary in nature. However, the Air Pollution and Method Statement and the Construction Logistics Plan to be secured as part of the CEMP should also include details of the use of 'cleaner' construction vehicles.

Operational

- 8.282 The proposed CHP and gas boilers would emit very little PM₁₀ and are not thought to contribute towards concentrations of PM₁₀ at pavement level. The energy centre consists of three low NO_x boilers and a CHP unit. Exit flues for the Energy Centre would run to the top of Student Cluster E (located in the north-eastern corner of the site). Emissions would be emitted from a stack 3 metres above the six storey section of the building. Traffic emissions would contribute towards NO₂ and PM₁₀.
- 8.283 The ES predicts that without the development in place, the concentrations for NO₂ along Grand Parade and Circus Street would be over the national objective. All other parts of the site would be within the national objective. The areas of exceedence would remain the same when the proposed development is in place. The ES predicts that concentrations for NO₂ would slightly decrease for the south of Circus Street and this is thought to be as a result of the public realm improvements which should reduce the number of vehicles using Circus Street. The concentrations would increase along Grand Parade and Morley Street at the junction of Grand Parade as a result of an increase in vehicle trips (1.2 to 1.7 µgm⁻³) and this is considered to be a small increase. There would be an imperceptible change at the north end of Circus Street (0.1 µgm⁻³).
- 8.284 The CHP and boilers would have a negligible impact off site on the concentrations of NO₂. The boilers/CHP would result in an imperceptible change within the site itself (0.1 to 0.4 µgm⁻³) apart from the north façade of Building E and the north western corner of Building F where concentrations would increase by 1.1 to 1.5 µgm⁻³. This is not considered to be significant as the overall concentrations in these locations are predicted to fall significantly below the national objective.
- 8.285 The development is not predicted to significantly affect concentrations of PM₁₀ and with the development in place, concentrations at the site and surrounding area would fall well below the national standard.
- 8.286 Overall the development is not considered to have a significant impact on local air quality. Whilst concentrations of NO₂ at ground level at Circus Street are predicted to be, and would continue to be, above the national objective, no residential units are proposed at ground floor level. The concentrations at first floor level should be adequate and therefore no mitigation in the form of filters on the ventilation systems, is proposed.

External Lighting

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.287 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.
- 8.288 The issue of lighting is addressed in the Design and Access Statement under Landscaping. The applicants acknowledge that lighting is of decisive importance when considering the experience of a public realm after dark. A well considered lighting scheme can enhance the character of the site. The lighting is intended to be cohesive after dark, assist wayfinding, ensure a safe and secure environment, support the night time economy, protect surrounding habitats, be low energy, be sensitive to neighbours and minimise light pollution.
- 8.289 Lighting can help with wayfinding and reduce clutter of the public realm. A lighting Masterplan has been set out. Areas proposed to be lit in a more inviting way to draw people in are the Events Square and Circus Street which would be the busiest areas and would have a different lighting scheme to the residential areas including Woodland Bank and Orchard Court. Some use of coloured lighting will be used in connection with architectural components and light-art interventions. Architectural lighting will be limited to gateways, adjoining routes and the main plaza to assist with wayfinding and providing a sense of place. All of the main pedestrian routes across the site would be lit in an appropriate character to the role that they play within the development and in the locality.
- 8.290 It is considered that the lighting scheme has been well considered and the general themes seem to be appropriate subject to detailed schemes of location, types of light sources and light levels. These details could be dealt with by condition based upon the principles set out in the application. The proposals at this stage are acceptable and the strategy could provide a good quality lighting scheme which would enhance the development and would comply with policy QD25.

Ground Conditions and Contamination

- 8.291 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.
- 8.292 A desk top study has been carried out and along with initial site investigations. There is a risk of contaminants within the made ground. Conditions are therefore proposed to cover further site investigations and if necessary contaminated land remediation work.

Ecology Considerations

- 8.293 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. NPPF paragraph 109 “the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible”.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.294 The site currently has relatively low ecological value. Due to the existing derelict buildings as well as the old Board School building still occupied, there is a chance of nesting birds on site and likelihood that the site attracts commuting bats.
- 8.295 The applicant has included a very comprehensive planting and landscaping report within the Design and Access Statement prepared by specialist Landscape Designers.
- 8.296 The County Ecologist has recommended that the enhancement measures in the applicants Preliminary Ecological Appraisal (PEA) report should be followed. In particular, the applicants have suggested:
- Lighting schemes should be designed in conjunction with an ecologist to minimise impacts on potential roosts and foraging corridors
 - Proposals for green roofs should be low maintenance
 - Sustainable Urban Drainage Systems
 - Rain gardens
 - Planting of wildlife value
 - Bird boxes including for swifts and house martins
 - Bat boxes
- 8.297 Advice on suitable species to encourage biodiversity is contained in SPD 11 Annex 7 which should be followed. Conditions regarding suitable planting of species and other features to encourage biodiversity can be dealt with by planning condition.
- 8.298 Within the proposals, there are three main areas of green amenity areas. 'Circus Court' between the four blocks of residential flats, 'Woodland Edge' between residential Block B and student blocks E, F and G and 'The Glen' between Block F and the Milner flats. In addition to this the applicant has committed to landscape Carlton Row outside of the red line to create a linear pocket park. The Academic/Library Building would have a sloping green roof and on Circus Street, which will be reduced in width, the indicative drawings suggest that there would be tree planting to enhance the street scene which would be of ecological value.
- 8.299 It is considered that subject to conditions, the proposals would protect and significantly enhance the ecological value of the site in accordance with Local Plan policy QD18 as well as SPD 11 and the NPPF para 109.

Flood Risk and Water Drainage

- 8.300 The site lies within Flood Zone 1 and is an area at low risk from flooding so a detailed risk assessment is not a statutory requirement but the presence of residential and student accommodation results in the development being classed as 'More vulnerable'. Policy SU4 of the Local Plan states that development will not be permitted if it would increase the risk of flooding is located in an area at risk of flooding or would create additional surface water run-off liable to harm people, property of the environment.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.301 As proposed, the site would have a reduction in its current impermeable area of 6% compared to now and a new lateral outfall would continue to direct run-off into the existing manhole in Circus Street.
- 8.302 The proposed scheme would incorporate Sustainable Urban Drainage systems (SUDs) in the form of permeable paving systems on the internal pedestrian and emergency vehicular access areas with rainwater infiltrating to the ground. Drainage from the car park would not discharge into the surface water system but into the foul water drainage system.
- 8.303 The applicants consider that the scheme would reduce stress on the adopted combined surface/foul water drainage system resulting in a reduction of 74.5%, which would have a positive impact on the immediate surroundings and the infrastructure beyond.
- 8.304 The Council's Flood Engineer has no objections to the proposals but recommends that a condition requiring a maintenance plan and management plan for the Sustainable Urban Drainage System (SUDS) is considered for the lifetime of the development. The Environment Agency's standing advice commented that in Flood Risk Zone 1 on a site less than a hectare (as this is), the main flood risk issue to consider is usually the management of surface water run-off. Drainage must not increase flood risk and the Government policy strongly encourages SUDS. Therefore the proposals are considered to comply with all flood risk policies and best practice and would meet policy SU4 and paragraphs 100 and 103 of the NPPF by taking account of the Environment Agency's advice and by not increasing flood risk on site or elsewhere.

Sustainability

- 8.305 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.
- 8.306 There is a commitment to achieving BREEAM excellent for all non-residential buildings and a minimum of 60% in energy and water sections and Code Level 4 for Sustainable Homes. An energy centre is proposed at basement car park level with a gas Combined Heat and Power (CHP) plant supplying the site. A Photovoltaic array of 330 sq m across the rooftops of the library, student residence and the dance space are proposed. The design integrates passive energy efficiency through solar shading, ventilation, heat recovery ventilation, and low energy internal and street lighting, daylight and movement sensor for lighting.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.307 As mentioned previously, sustainable urban drainage (SUDs) are proposed. A feasibility study into rainwater harvesting and greywater recycling is proposed. A green roof over the Academic/Library is proposed and up to 78 trees would be planted as part of the landscaping. Food growing is proposed to be integrated into the scheme including 106 sq metres of raised beds, roof garden for food growing (33 sq m); 25 fruit trees and 7 nut trees.
- 8.308 The Sustainability Adviser recommends a condition to ensure that the centralised energy plant should have the capability for future connection to any area wide heat network including submission of details of capped connections and access points should be provided. The student accommodation, the library and the office will have BREEAM scores of 77-78%. A methodology is required to ensure that the buildings fit out by tenants would meet policies. It is estimated that the CHP will provide the majority of domestic hot water and parts of the space heating and part of the space heating and electricity to the whole site.
- 8.309 It is considered that the proposals would meet policies SU2 of the Brighton & Hove Local Plan; policy CP8 of the submission City Plan as well as SPD 08 and PAN04 (Food growing). The Sustainability Adviser has concluded that the high sustainability aspirations of the scheme are very much welcomed, in particular the energy performance levels committed to, the incorporation of energy efficient and passive design, renewables and a site wide district heating scheme. The high scores targeted for the BREEAM and Code for Sustainable Homes (CSH) assessments are strongly welcomed.
- 8.310 Whilst not a policy requirement, the applicant has submitted a One Planet Living Action Plan and is seeking accreditation and this is welcomed.

Archaeology

- 8.311 The County Archaeologist has no objections to the development of this site but considers that the site is of archaeological interest due to its usage in the past as described elsewhere in this report. The County Archaeologist has sought assurances that the demolition of the former Board School has been assessed by the Council's Heritage Officer which it has. The principle of demolition has been agreed as set out in the report due to the alterations, poor maintenance and extensions to the building and the existence of 4 other Listed examples in the City. The Design and Access Statement has included a very thorough history of the development of the site dating back to the 19th Century but little would remain on site except potentially underground building works covered over by the wholesale market. Historic maps and a dated photograph in the Design and Access statement illustrates how the site was entirely excavated out to Circus Street level before construction of the market in the early 20th Century. Subject to conditions to secure a programme of archaeological works before demolition takes place and the assessment written up before occupation there are no objections on archaeological grounds and the proposal would comply with policy HE12 of the adopted Local Plan.

Waste Management

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.312 It is not possible to predict in detail the impacts from demolition and handling of waste arising until construction method statements have been prepared and contractors appointed. However the broad impacts can be established to determine a framework for the management of these potential impacts. There would in due course be a Demolition Method Statement (DMS) and a Construction and Environmental Management Plan (CEMP) which can be secured by planning condition. The CEMP would be prepared in accordance with standard best practice and the guidance in SPD 03 on Construction and Demolition Waste. The CEMP would include a Construction Traffic Management Plan (CTMP) as well as a Site Waste Management Plan (SWMP). The contractor would have a substantial input into all of the required documents to be submitted. Within the programme of works, demolition is programmed to take 3 months. An asbestos survey of all the buildings on site would be carried out of all buildings to be demolished. Demolition will include the Municipal market building, the University of Brighton Annex building, the Wood Store and the Carlton Hill car park down to and including ground floor slab level. It is estimated that there would be 4000 cubic metres of waste materials arising from demolition including concrete; brick; glass and cladding; metal; timber and plaster board; tarmac and hazardous materials to be confirmed following surveys. 50% of demolished materials will be crushed and re-used on site as piling mat and the remaining 2000 cubic metres moved off site. Earthworks would be removed from site which is estimated to be approximately 7000 cubic metres. Any contaminated soils found would be dealt with under Section 34 of the Environmental Protection Act.
- 8.313 Waste arising from construction has been estimated using guidance and indicators developed by the Building Research Establishment (BRE). It is estimated that the applicants would keep within the key indicators and that as a result there would be 4,800 cubic metres of construction waste based upon an average monthly figure spread over a 27 month period.
- 8.314 It is considered that the applicants have provided sufficient information on demolition and construction waste as possible at this stage subject to any S106 and/or conditions requiring full details in a CEMP and SWMP. The proposal would comply with Local Plan policy SU13; SPD 03 and the adopted Waste and Minerals Plan policy WMP 3d.

Socio-Economic Benefits

- 8.315 The development could accommodate about 300 residents and 450 students hence a population of 750. The Universities of Sussex and Brighton estimate that they contribute £1 billion to the City and South East economies with export earnings contributing £32m. They support 12,000 jobs FTE (Full Time Equivalent) including 4,200 directly. Students spend is estimated at £151m.
- 8.316 South East Dance forecast that over £58,000 will visit or use the Dance space facilities each year generating between £5.1 – 7.2m over 10 years and prevent £1.2m leaking from the local economy outside the City. 68% of the local dance force are estimated to work elsewhere due to the lack of facilities.
- 8.317 Overall the development is estimated to have the following economic impact locally:

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

436 FTE gross jobs based upon full occupancy
169 FTE construction jobs
262 net new jobs
Over £10.6m Gross Value Added economic impact per year

- 8.318 The proposals would bring significant economic regeneration benefits to the City by redeveloping an underused site to provide new *modern* office floorspace of which there is a shortage in the City, 142 new dwellings, new purpose built student accommodation which would both ease some of the demand on the local housing supply and support the planned expansion of Further Education in the City. The new library and exhibition space would provide an enhanced asset to the Further Education sector in the City as well as being an additional educational community facility. The Dance space would become an asset for the City and the sub-Region and would bring income into the City. The new and additional retail, cafes and small business units would help to regenerate the locality in a Ward where there is a lower than average homeownership compared to the City average and a higher than average population in the social rented sector.
- 8.319 SPD 09 (Circus Street Municipal Market) set out some broad economic principles which included, the provision of work, home and community facilities and a provision of opportunities for both start up and established businesses as well as the creative industries and the enhancement of the academic corridor. The proposals would meet these development principles and have a positive socio economic impact. It is considered therefore that by contributing to the economic regeneration of the locality and the City, the proposals would conform with the objectives of the adopted Local Plan and the emerging City Plan policy CP3 and NPPF paragraph 19 which states that “significant weight should be placed upon the need to support economic growth through the planning system.”

Infrastructure & Viability

- 8.320 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. The supporting text to policy CP20 of the Submission City Plan states that the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 8.321 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.
- 8.322 The following would normally be sought for a development of this size;
- Education (Primary and Secondary)
Phase 2 Residential - £180,663 without nursery
 - Local Employment Scheme
Phase 2 Residential - £71,000
Phase 3 Office - £42,430

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Total – £113,430

- Open Space Sport and Recreation
Phase 1 Student Accommodation - £525,851
Phase 2 Residential - £384,633
Total : £910,484

Total contributions = £1,204,577.

- 8.323 In addition, a sustainable transport contribution would normally be required which is based on the total number of trips generated by the development, which should be spent in the vicinity of the site in order to mitigate for the direct transport impacts of the development.
- 8.324 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 development to enable the development to be deliverable.’
- 8.325 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).
- 8.326 The applicant has offered 20% on site affordable housing provision, and £300,000 for contributions to mitigate the impact of the development. The DV has assessed the applicant’s report and evidence. The DV concluded that it is clear that a policy compliant scheme of 40% on site affordable and contributions in excess of £300,000 would not be viable. The DV have therefore recommended that the LPA should be securing the on site affordable housing provision of 20% and levels of contributions at £300,000.
- 8.327 It is considered appropriate to split the £300,000 contribution between the following:
- Education provision (primary and secondary) - £125,000.
 - Open space, sport and recreation - £125,000.
 - Sustainable Transport - £50,000.
- 8.328 There is significant employment space included within the scheme, a proportion of which would be for start up businesses. A local employment scheme with 20% local employment would be being secured for the construction phase though the Section 106 Agreement. Therefore, due to the viability issues mentioned above, it is considered reasonable to prioritise the education, open space, sport and recreation and sustainable transport contributions over the local employment contribution.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 8.329 It is important to note that the development is providing new library and exhibition facilities which would have public access and a new regional facility for South East dance. Affordable, managed start up business space would also be provided within the new office building.
- 8.330 Considerable public realm improvements are proposed for Circus Street, Kingwood Street, Morley Street and Carlton Row which are additional to the £300,000 committed for the Section 106 contributions. The highway improvements to Circus, Morley and Kingswood Streets have been costed at £850,000. The landscaping for the proposed public events square has been costed at £200,000. The applicant has also committed for public realm and landscaping for Carlton Row which would directly benefit residents of the Milner Flats, costed at £100,000. Through the development agreement between all three parties (applicant, University of Brighton and the Council), the applicant is committed to providing on site public art to the value of £100,000.
- 8.331 Therefore, public realm improvements would equate to £1,250,000 in addition to the £300,000 of contributions proposed to be secured through the Section 106 Agreement.
- 8.332 The Viability Appraisal includes funding from Local Growth Fund which has been secured through the Strategic Economic Plan prepared by the Coast to Capital Local Enterprise Partnership. The purpose of the funding is to plug a funding gap in strategic development schemes and ensure they come forward promptly. The funding proposed is for £1.5 in 2015/16 and potentially a further £1.2m in 2016/17. The money must be spent within these financial years and has been awarded on the basis that the scheme is providing jobs and homes in the city.
- 8.333 Having regard to all matters with respect to viability and the considerable public benefits which the scheme would provide, the level of affordable housing and the contributions is considered appropriate in this case. Due to the relatively short build period of less than 5 years, the DV has not recommended a review based mechanism based on a possible uplift in values or profit, as this would be against best practice guidance contained within the RICS Guidance Financial Viability and Planning. The DV has however recommended that a time based review mechanism is proposed, in case the development has not come forward within the next five years. A condition to this effect is recommended.

9 CONCLUSION

Policy

- 9.1 The principle of this proposed development has been assessed against the adopted Local Plan and the emerging City Plan policy DA5. During the Examination in Public last year which is on-going, Policy DA5 has considerable weight attached to it as confirmed by the Planning Policy Team. Policy DA5 was formulated in order to seek to enable the regeneration of some of the City's major strategic sites in this part of the City. This site has been vacant since 2005 and the task for the applicant has been to bring forward a viable development on this difficult site which provides economic, housing, educational and community

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

benefits in a sensitive location whilst minimising impacts on the neighbouring community and on the wider City.

- 9.2 It is accepted that in order to achieve the above objectives, a high density development is required to achieve the site's regeneration and to maximise the potential of the site. The density would present a challenge to designers and to stakeholders to the perceptions of how future development in the City might evolve in order to meet its needs for housing, employment, education and cultural facilities by making more use of its existing brownfield sites and reducing pressure on undeveloped land.
- 9.3 The proposal is considered to generally meet the requirements of policy DA5 in terms of the numbers of residential and student units, provision of the University library, a dance studio and an office building including affordable managed workspace. There have been some compromises which are necessary in order to maintain viability, such as a minor shortfall on the minimum number of residential flats required and increase in student units over the 400 stated within the policy albeit this is not a maximum. It is considered that overall policy DA5 has been met.

Viability

- 9.4 Viability is a key issue which has been assessed as part of the application. The applicant submitted a viability appraisal which has been independently assessed by the District Valuer and agreed.
- 9.5 The Viability Appraisal includes funding from Local Growth Fund which has been secured through the Strategic Economic Plan prepared by the 'Coast to Capital' Local Enterprise Partnership (LEP). The purpose of the funding is to plug a funding gap in strategic development schemes and ensure they come forward promptly. The funding proposed is for £1.5 in 2015/16 and potentially a further £1.2m in 2016/17. The money must be spent within these financial years and has been awarded on the basis that the scheme is providing jobs and homes in the city. Without the LEP funding the development would not be viable.

Affordable housing and developer contributions

- 9.6 The proposals would provide a proportion of 20% affordable housing on site which is below the 40% required by policy CP20. Policy CP20 does state that the policy can be flexibly applied in consideration of the financial viability of the developing the site and the extent to which provision of affordable housing would prejudice the realisation of other planning objectives. Paragraph 173 of the NPPF also states that the requirements of affordable housing and infrastructure contributions should enable competitive returns to be made to a willing landowner and willing developer. It is considered that the applicant has demonstrated that the flexibility allowed by CP20 is justified in achieving the overall objective of the regeneration of this site and the many economic and community benefits that have been identified arising from this proposal.
- 9.7 Related to the viability of the development, is the appropriate level of developer contributions that are offered to provide for the mitigation of impacts. The viability assessment demonstrated that £300,000 was the maximum that could be

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

contributed for off site infrastructure. Paragraph 173 of NPPF is applicable to this issue. It is considered that a lower level of contributions than that which might normally be expected from a development of this scale is justified due to the viability of the development. Account has been taken of the many on site community benefits.

- 9.8 Examples of provision on or adjacent to the site would be the creation of new public open space and amenity space in the City, the very extensive high quality landscaping around the site, including off site in Carlton Row, the extensive hard landscaping and street works to bring forward a shared surface in Circus Street and enhanced traffic management, public art to be incorporated into the development, new ecological areas where none exist now and cycle spaces that exceed SPG4 standards.

Student Accommodation & University of Brighton

- 9.9 The University of Brighton supports the student accommodation at the proposed development which is one of five allocated sites for student accommodation in the City Plan under policy CP21.
- 9.10 The policy requires that the applicants will enter into a formal agreement with one of the two Universities or other existing educational establishments. A letter of support has been submitted by the University of Brighton stating its intention to obtain sole occupancy of the student accommodation for the University of Brighton students/partner college (University of Brighton International College). It is considered that policy CP21 has been complied with subject to the Section 106 agreement which would be based upon the wording of Policy CP21. A full management plan would also be secured.

Design and Heritage

- 9.11 In overall terms it is considered that this proposed development is designed to a high standard. Individual buildings proposed would have high quality materials that would be innovative and original but would still be reflective of the historic development of the City and its materials, colours and architectural features and characteristics both historic and post 19th Century buildings in the vicinity of the site seen in its context. The development would also reflect some of the historic street pattern that existed before the Wholesale market was built in the 1930's. The proposals would therefore accord with policies QD1 and QD2 of the Local Plan and CP12 of the City Plan. The development would also comply with policies QD5 and QD7 by providing attractive and lively frontages and the design would incorporate crime prevention measures in terms of layout and site security.
- 9.12 The proposals do involve construction of new tall buildings and a high density of development. This presents a challenge to the achievement of a scheme which could assimilate into the urban street scene satisfactorily, whilst providing a vibrant attractive place to live and work in the City.
- 9.13 It is considered that given the site allocation under Policy DA5, SPD 05 and the need to regenerate this site with a viable development, tall buildings on this site can be accepted whilst acknowledging that it is not in a tall building zone as defined in SPG15. In reaching this conclusion it is acknowledged there are tall

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

buildings in the vicinity and in the longer views. The proposal would conform with policy QD3 as it secures the efficient and effective use of the site in a location close to good transport networks and amenities and services. The development would provide new private and public amenity space with high quality landscaping on site where none currently exists. The proposal would also meet the criteria in CP14 for supporting a higher density residential development than is typically found in the locality.

- 9.14 By proposing two particularly tall buildings for the residential tower and the student tower, it would enable other buildings to be lower in height. The quantum of development has been driven by the need to provide a viable scheme which meets policy requirements and which provides community, residential and employment benefits. English Heritage and the Heritage Officer consider that the prime heritage assets, The Royal Pavilion and St Peter's Church would not be harmed following amendments to the design, siting and height of buildings and thus accord with policies HE3 and HE6 of the Local Plan.
- 9.15 It is considered that the ES contains a thorough townscape, heritage and visual impact assessment in accordance with policy QD4.
- 9.16 Concerns have been expressed from statutory and other consultees about some of the impacts on the setting of the Listed buildings in Grand Parade and on the Valley Gardens conservation area. This is particularly in viewpoints from Gloucester Place or Marlborough Place across Valley Gardens, where the development appears most prominent.
- 9.17 Consideration has been given to the significance of these viewpoints and the impact on the setting of heritage assets in accordance with paragraph 128 of the NPPF. That consideration has been influenced by whether the views are static or transient, fleeting, panoramic or distant.
- 9.18 It is concluded that the harm caused to the heritage assets would be less than substantial in terms of paragraph 134 of the NPPF.
- 9.19 This less than substantial harm when weighted against the public benefits of the scheme is considered to be acceptable.

Amenity

- 9.20 The development would result in a significant loss of daylight to properties within the Milner Flats, Circus Street and to a lesser degree Grand Parade. It is acknowledged that the windows at the Milner Flats receive much higher levels of daylight than would normally be expected within a built up urban area due to their elevated position and limited levels of obstruction. The current levels of daylight that Circus Street properties also benefit from are due to the wide street width and the relatively low former Market Building opposite. Notwithstanding this, residents of the Milner Flats, Circus Street and Grand Parade properties would still notice the loss of daylight and sunlight for those windows which fail to meet the BRE Guide.
- 9.21 The development of the site for the City Plan allocation would not be possible without resulting in a loss of daylight/sunlight for surrounding residents which is

outside of the BRE Guide. The scheme has been amended a number of times to attempt to minimise the impacts. Public realm improvements including the landscaping of Carlton Row, would mitigate the impacts and improve the outlook for residents of the Milner Flats. Public realm improvements would benefit the Circus Street residents. Whilst the loss of daylight and sunlight is regrettable, it is considered that these impacts would be acceptable when weighted against the objectives of the strategic allocation and must be balanced against the public benefits that the development would bring.

- 9.22 Private amenity space is proposed in the form of balconies for the residential units and shared amenity space for both the residential units and the student accommodation. The spaces would receive sunlight in the summer months from lunchtime to late afternoon which is considered to be adequate for an inner City site. The scheme has been designed well in terms of maximising the amount of daylight and sunlight the residential and student units would receive whilst still protecting the privacy of future residents.

Sustainability

- 9.23 Whilst not a policy requirement, the applicant has submitted a One Planet Living Action Plan and is seeking accreditation and this is welcomed. The proposed development would meet all of the requirements of policy SU2 and SPD 08 in particular it would achieve BREEAM 'excellent' for non-residential development with 60% in water and energy saving whilst the residential development would meet the Code for Sustainable Homes Level 4 requirement.

Transport

- 9.24 The site is within a sustainable City centre location and the development would encourage sustainable transport use. The site is located close to public transport facilities and the Transport Assessment demonstrates that trip generation by the development would not place an excessive burden on public transport capacity. The proposal would provide cycle parking in excess of SPG4 standards whilst new residents of the flats would be provided with a new bicycle on occupation. The levels of parking proposed on site are acceptable. The residential spaces would be considerably below the maximum standards allowed whilst the modest number of spaces for office use proposed, which should normally be for operational purposes only, is acceptable on balance in the context of the general thrust of the sustainable transport provision for the whole development. The alterations to make Circus Street one way northbound together with the reduction in carriageway width and the landscaping proposed would enhance the appearance of the public realm and highway safety for pedestrians, cyclists and vehicles. The applicant would make a Section 106 contribution towards sustainable transport and provide a Travel Plan and other transport management measures on site, and it is considered that the development would meet policies TR1, TR2, TR4, TR7, TR8, TR14 and TR19.

Overall benefits of scheme

- 9.25 On balance therefore it is considered that the proposals would bring many benefits in terms of regeneration of a mainly derelict site in a part of the City that requires investment. The development would bring environmental, social, cultural and economic benefits by revitalising a once busy and vibrant quarter. The quality of

the architecture and the innovation in design terms around the public realm would create a unique and attractive quarter to live, work and relax which would be an asset to the City. These benefits should be weighted against the harm identified to heritage assets and in relation to other impacts.

10 EQUALITIES

- 10.1 The scheme provides for 20% affordable housing . All dwellings would be built to Lifetime Homes standards and 5% would be built to Wheelchair Accessible Standards. Community access to the Dance Building and Library would be secured through the Section 106 Agreement.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

S106 Heads of Terms

Before commencement of all Phases

- Detailed Phasing Plan submitted to and agreed by the LPA for works related to the demolition phase, Phase 1, Phase 2 and Phase 3, Public Square, and other on and off site public realm improvements.
- The Dance Building must have reached completion of shell and core stage and the Office Building must have reached construction of first floor level before more than 75% of the Phase 2 market residential units can be first occupied. The public square must be fully implemented within 6 months after completion of the shell and core of the Office and Dance Buildings.
- A public art strategy and timetable for on site public art to be agreed for the whole site and to be implemented in accordance with the approved timetable.
- 14 days notification to the LPA of works commencing on each Phase.
- Tree planting scheme and timetable for Victoria Gardens.

Demolition Phase

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period/facility is agreed with the Local Planning Authority.
- Training and Employment Strategy using 20% local labour during the construction phase

Phase 1 – Student Accommodation Buildings and the Library/Academic Building

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period/facility is agreed with the Local Planning Authority.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 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 which relate to Phase 1 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.
- Requirement to fund all necessary Traffic Regulation Orders (TROs).
- Prior to first occupation, the applicant 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 roads and footpaths which are present on the Phase 2 (to be defined on a plan).
- Prior to commencement of development, the applicant must have entered into a contract for sole occupancy of the student accommodation with a higher education provider.
- A restriction on the occupation of the accommodation to only those attending full time academic courses at one the City's two Universities or other existing educational establishments within Brighton & Hove.
- 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, move in move out strategy, location of a smoking area and hours, monitoring and management of all the amenity areas (usage no later than 10pm).
- Prior to the Academic/Library Building being brought into use, a Community Use Agreement for the library and exhibition space to be submitted and approved.
- Within 9 months of commencement of development a contribution of £125,000 to be spent on sustainable transport infrastructure (£25,000) and open space, sport and recreation infrastructure (£100,000).
- Prior to first occupation a Delivery & Service Management Plan and Parking Management Strategy (car park and to prevent/enforce car parking on access routes/open spaces 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 occupying the Student Accommodation, the Student Management Company and the University of Brighton to attend the Local Action Team.
- Facilities for future connection to a District Heating System.
- Prior to commencement of development a landscape scheme should be developed though consultation with the residents of the Milner Flats for the area known as Carlton Row which is to the east of the application site and the west of the Milner Flats. The landscape scheme should be approved in writing prior to commencement of development of Phase 1 and should be

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

fully implemented within 6 months of first occupation of Phase 1 Student Accommodation Buildings.

- Commitment to require future occupiers of ground floor commercial units sign up to the Green Fit Out Principles.

Phase 2 Residential Development

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA.
- The developer to facilitate a monthly meeting during construction for adjacent residents/occupiers, unless an alternative time period/facility 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 which relate to Phase 2 to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the buildings.
- Requirement to fund all necessary Traffic Regulation Orders (TROs).
- Prior to first occupation, the applicant 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 roads and footpaths which are present on the Phase 2 (to be defined on a plan).
- Within 10 months of commencement of development a contribution of £175,000 to be spent on sustainable transport infrastructure (£25,000) and open space, sport and recreation infrastructure (£25,000), education (£125,000).
- Prior to first occupation a Delivery & Service Management Plan and Parking Management Strategy (to prevent/enforce car parking on access routes/open spaces) to be submitted and approved to be submitted and approved.
- Prior to first occupation a Travel Plan 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 to fund resident's membership of the Car Club for one year after first occupation.
- Requirement for a staff representative of the residential management company to attend the Local Action Team.
- Facilities for future connection to a District Heating System.
- Commitment to require future occupiers of ground floor commercial units sign up to the Green Fit Out Principals.

Phase 3 – Office Building and Dance Building

- Prior to commencement a Construction Environmental Management Plan to be submitted to and approved in writing by the LPA.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 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 which relate to Phase 3 to be defined on a plan within the S106. Requirement for the highway works to be fully implemented prior to first occupation of the buildings.
- Requirement to fund all necessary Traffic Regulation Orders (TROs).
- The Dance Building must have reached completion of shell and core stage and the Office Building must have reached construction of first floor level before more than 75% of the Phase 2 market residential units can be first occupied. The public square must be fully implemented within 6 months after completion of the shell and core of the Office and Dance Buildings.
- Prior to first occupation, the applicant 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 roads, footpaths and public square which are present on the Phase 3 Site (to be defined on a plan).
- 6 months after commencement of development a Public Square Management Plan Framework which includes details of a Steering Group and Noise management Plan for amplified events, to be submitted and approved.
- Prior to first occupation a management plan for availability of a minimum of 750 square metres of flexible B1 business space to be provided within the office building to be agreed in writing with the LPA.
- Prior to first occupation a Community Use Agreement for the Dance Building to be submitted to and agreed in writing with the LPA.
- Prior to first occupation a Delivery & Service Management Plan and Parking Management Strategy (to prevent/enforce car parking on access routes/open spaces) to be submitted and approved.
- Prior to first occupation the submission and approval of a Travel Plan for both buildings to include monitoring of disabled parking
- Facilities for future connection to a District Heating System.

Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site Location Plan	E 001		4 October 2013
Block Plan	E 100		4 October 2013
East – West Section	E 200		4 October 2013

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Circus Street Elevation	E 300		4 October 2013
Morley Street Elevation	E 301		4 October 2013
Kingswood Street Elevation	E 302		4 October 2013
Circus Street Looking West	E 303		4 October 2013
Morley Street Looking North	E 304		4 October 2013
Kingswood Street Looking South	E305		4 October 2013
Site Location Plan	M001		
Residential Building A – Ground floor plan	R (A) 100	a	25 July 2014
Residential Building A –first to sixth floor plan	R (A) 102	a	25 July 2014
Residential Building A –seventh floor plan	R (A) 103	a	25 July 2014
Residential Building A –eighth floor plan	R (A) 104	a	25 July 2014
Residential Building A –ninth floor plan	R (A) 105	a	25 July 2014
Residential Building A – East – West Section	R(A) 200	a	25 July 2014
Residential Building A – West Elevation	R(A) 300	a	25 July 2014
Residential Building A –North Elevation	R(A) 301	a	25 July 2014
Residential Building A –East Elevation	R(A) 302	a	25 July 2014
Residential Building A –South Elevation	R(A) 303	a	25 July 2014
Residential Building A – Elevation Study	R(A) 400	a	25 July 2014
Residential Building A –Elevation Study	R(A) 401	a	25 July 2014
Residential Building B – Ground Floor Plan	R(B) 100	a	25 July 2014
Residential Building B –First – Fifth Floor Plan	R(B) 101	a	25 July 2014
Residential Building B –Sixth Floor Plan	R(B) 102	a	25 July 2014
Residential Building B –Seventh Floor Plan	R(B) 103	a	25 July 2014
Residential Building B – Roof Plan	R(B) 104	a	25 July 2014
Residential Building B – East – West Section	R(B) 200	a	25 July 2014
Residential Building B –West Elevation	R(B) 300	a	25 July 2014
Residential Building B –North Elevation	R(B) 301	a	25 July 2014
Residential Building B –East Elevation	R(B) 302	a	25 July 2014
Residential Building B –South	R(B) 303	a	25 July 2014

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Elevation			
Residential Building B –Elevation Study	R(B) 400	a	25 July 2014
Residential Building C – Ground Floor Plan	R(C) 100	a	25 July 2014
Residential Building C –First – Fifth Floor Plan	R(C) 101	a	25 July 2014
Residential Building C –Roof Plan	R(C) 102	a	25 July 2014
Residential Building C – North South Section	R(C) 200	a	25 July 2014
Residential Building C – South Elevation	R(C) 300	a	25 July 2014
Residential Building C – West Elevation	R(C) 301	a	25 July 2014
Residential Building C – North Elevation	R(C) 302	a	25 July 2014
Residential Building C – East Elevation	R(C) 303	a	25 July 2014
Residential Building D – Ground Floor Plan	R(D) 100	a	25 July 2014
Residential Building D –First – Fifth Floor Plan	R(D) 101	a	25 July 2014
Residential Building D –Roof Plan	R(D) 102	a	25 July 2014
Residential Building D –East – West Section	R(D) 200	a	25 July 2014
Residential Building D –West Elevation	R(D) 300	a	25 July 2014
Residential Building D –North Elevation	R(D) 301	a	25 July 2014
Residential Building D –East Elevation	R(D) 302	a	25 July 2014
Residential Building D –West Elevation	R(D) 303	a	25 July 2014
Residential Building D –South Elevation	R(D) 400		25 July 2014
Student Housing E & G Diagrammatic Masterplan	S 001	a	25 July 2014
Student Housing E & G Ground Floor Plan	S (E G)100	a	25 July 2014
Student Housing E & G First – Fifth Floor Plan	S (E G)101	a	25 July 2014
Student Housing E & G Seventh–Eighth Floor Plan	S (E G)102	a	25 July 2014
Student Housing E & G Roof	S (E G) 103	a	25 July 2014
Student Housing E & G East – West Section	S (E G) 200	a	25 July 2014
Student Housing E & G West Elevation	S (E G) 300	a	25 July 2014
Student Housing E & G North	S (E G) 301	a	25 July 2014

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Elevation			
Student Housing E & G East Elevation	S (E G) 302	a	25 July 2014
Student Housing E & G South Elevation	S (E G) 303	a	25 July 2014
Student Housing E & G Elevation Study	S (E G) 400	a	25 July 2014
Student Housing F First Floor Plan	S (F) 100	a	25 July 2014
Student Housing F Second to Sixth Floor Plan	S (F) 101	a	25 July 2014
Student Housing F Seventh to Eight Floor Plan	S (F) 102	a	25 July 2014
Student Housing F Roof Plan	S (F) 103	a	25 July 2014
Student Housing F East – West Section	S (F) 200	a	25 July 2014
Student Housing F West Elevation	S (F) 300	a	25 July 2014
Student Housing F North Elevation	S (F) 301	a	25 July 2014
Student Housing F East Elevation	S (F) 302	a	25 July 2014
Student Housing F South Elevation	S (F) 303	a	25 July 2014
Student Housing H Ground Floor Plan	S (H) 100	a	25 July 2014
Student Housing H First Floor Plan	S (H) 101	a	25 July 2014
Student Housing H Second – Sixth Floor Plan	S (H) 102	a	25 July 2014
Student Housing H Roof Plan	S (H) 103	a	25 July 2014
Student Housing H Twelfth Floor Plan	S (H) 104	a	25 July 2014
Student Housing H Roof Plan	S (H) 105	a	25 July 2014
Student Housing H East – West Section	S (H) 200	a	25 July 2014
Student Housing H West Elevation	S (H) 300	a	25 July 2014
Student Housing H North Elevation	S (H) 301	a	25 July 2014
Student Housing H East Elevation	S (H) 302	a	25 July 2014
Student Housing H South Elevation	S (H) 303	a	25 July 2014
Student Housing H Elevation Study	S (H) 400	a	25 July 2014
Office Diagrammatic Masterplan	O 001	a	25 July 2014
Office Ground Floor Plan	O 100	a	25 July 2014
Office First Floor Plan	O 101	a	25 July 2014
Office Second Floor Plan	O 102	a	25 July 2014
Office Third Floor Plan	O 103	a	25 July 2014
Office Fourth Floor Plan	O 104	a	25 July 2014
Office Fifth Floor Plan	O 105	a	25 July 2014
Office Sixth Floor Plan	O 106	a	25 July 2014
Office Roof Plan	O 107	a	25 July 2014
Office East – West Section	O 200	a	25 July 2014
Office North-South Section	O 202	a	25 July 2014
Office East Elevation	O 303	a	25 July 2014
Office South Elevation	O 300	a	25 July 2014
Office West Elevation	O 301	a	25 July 2014

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Office North Elevation	O 302	a	25 July 2014
Office East Elevation	O 303	a	25 July 2014
The U of B Academic Building – Diagrammatic Masterplan	UOB 001	a	25 July 2014
The U of B Academic Building – Lower Ground Floor Plan	UOB 100	a	25 July 2014
The U of B Academic Building – Ground Floor Plan	UOB 101	a	25 July 2014
The U of B Academic Building –First Floor Plan	UOB 102	a	25 July 2014
The U of B Academic Building – Second Floor Plan	UOB 103	a	25 July 2014
The U of B Academic Building – Third Floor Plan	UOB 104	a	25 July 2014
The U of B Academic Building – Fourth Floor Plan	UOB 105	a	25 July 2014
The U of B Academic Building –Fifth Floor Plan	UOB 106	a	25 July 2014
The U of B Academic Building – Mezzanine Floor Plan	UOB 107	a	25 July 2014
The U of B Academic Building – Roof Plan	UOB 108	a	25 July 2014
The U of B Academic Building – East- West Section	UOB 200	a	25 July 2014
The U of B Academic Building – North-South Section	UOB 201	a	25 July 2014
The U of B Academic Building – South Elevation	UOB 300	a	25 July 2014
The U of B Academic Building – West Elevation	UOB 301	a	25 July 2014
The U of B Academic Building – North Elevation	UOB 302	a	25 July 2014
The U of B Academic Building – East Elevation	UOB 303	a	25 July 2014
The U of B Academic Building – Elevation Study	UOB 400	a	25 July 2014
The Dance Studio Diagrammatic Masterplan	DS001	a	25 July 2014
The Dance Studio Ground Floor Plan	DS 100	a	25 July 2014
The Dance Studio First Floor Plan	DS 101	a	25 July 2014
The Dance Studio Second Floor Plan	DS 102	a	25 July 2014
The Dance Studio Mezzanine Floor Plan	DS 103	a	25 July 2014
The Dance Studio Roof Plan	DS 104	a	25 July 2014
The Dance Studio North-South Section	DS 200	a	25 July 2014
The Dance Studio East-West	DS 201	a	25 July 2014

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Section			
The Dance Studio East Elevation	DS 300	a	25 July 2014
The Dance Studio South Elevation	DS 301	a	25 July 2014
The Dance Studio West Elevation	DS 302	a	25 July 2014
The Dance Studio North Elevation	DS 303	a	25 July 2014
The Dance Studio Elevation Study	DS 400	a	25 July 2014
Diagrammatic Masterplan	M 001	a	25 July 2014
Ground Floor Masterplan	M 100	a	25 July 2014
First Floor Masterplan	M 101	a	25 July 2014
Second Floor Masterplan	M 102	a	25 July 2014
Third Floor Masterplan	M 103	a	25 July 2014
Fourth Floor Masterplan	M 104	a	25 July 2014
Fifth Floor Masterplan	M 105	a	25 July 2014
Sixth Floor Masterplan	M 106	a	25 July 2014
Seventh Floor Masterplan	M 107	a	25 July 2014
Eighth Floor Masterplan	M 108	a	25 July 2014
Ninth Floor Masterplan	M 109	a	25 July 2014
Tenth Floor Masterplan	M 110	a	25 July 2014
Eleventh Floor Masterplan	M 111	a	25 July 2014
Twelfth Floor Masterplan	M 112	a	25 July 2014
Eleventh Floor Masterplan	M 111	a	25 July 2014
Diagrammatic Roof Masterplan	M114	a	25 July 2014
Roof Masterplan	M115	a	25 July 2014
Circus Street Elevation	M 300	a	25 July 2014
Morley Street Elevation	M 301	a	25 July 2014
Carlton Row Elevation	M 302	a	25 July 2014
Kingswood Street Elevation	M 303	a	25 July 2014
Section A A	M 200	a	25 July 2014
Section B B	M 201	a	25 July 2014
Section C C	M 202	a	25 July 2014
Section D D	M 203	a	25 July 2014
Section E E	M 204	a	25 July 2014
Section F F	M 205	a	25 July 2014
Section G G	M 206	a	25 July 2014

- 3) Should the development not have reached practical completion within 5 years of the date of this permission a viability assessment which assesses, at that date, the maximum level of commuted sums and the maximum 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 the Local Planning Authority for its written approval. The reassessed scheme as submitted for approval shall include details of:
- i. the numbers, type, tenure mix and location on the site of the affordable housing provision to be made;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider;

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- iv. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing.
- v. occupancy criteria

The affordable housing shall be provided in accordance with the approved reassessed scheme.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing and to secure an appropriate level of commuted sums in accordance with policies QD28 and HO2 of the Brighton & Hove Local Plan.

Demolition Phase

- 4) No demolition shall take place until a written Site Waste Management Plan for the demolition phase, confirming how demolition 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.
- 5) (i) No demolition 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 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 buildings are demolished 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 development 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 (i)c that any remediation scheme required and approved under the provisions of (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

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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 (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.

- 6) If, during demolition of the buildings, 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.

- 7) Unless otherwise agreed in writing the demolition shall be carried out in accordance with the bird nesting mitigation details contained within section 5.12 to Preliminary Ecological Appraisals and Bat Roost Assessment (2.9 of Environmental Statement Volume 4B) which was received on the 4 October 2013.

Reason: To ensure that mitigation for nesting birds is carried out and to comply with policy QD18 of the Brighton & Hove Local Plan.

- 8) No demolition shall take place until the developer has secured the implementation of a programme of below ground archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The demolition and works associated with Phase 1, Phase 2 and Phase 3 shall be carried out entirely in accordance with the approved written scheme.

Reason: To ensure that the archaeological interest of the site is safeguarded and recorded and to comply with policy HE12 of the Brighton & Hove Local Plan.

- 9) Prior to any demolition occurring of the Victorian University of Brighton Building, this building shall be subject to a scheme of photographic recording in accordance with the English Heritage guidance on recording as set out in the publication 'Understanding Historic Buildings, a guide to good recording practice', or any subsequent guidance which replaces this document. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition of the Victorian University of Brighton Building taking place.

Reason: To ensure that Victorian University of Brighton Building is recorded historically and to comply with policy HE10 of the Brighton & Hove Local Plan.

Phase 1 – Student Accommodation Buildings and the Library/Academic Building

- 10) During the construction of the Stage 1 Student Accommodation Buildings and Library/Academic Building sheet piling methods are not permitted.
- Reason:** As the Environmental Statement did not contain an assessment of the noise and vibration impacts of sheet piling. Any future written request by the applicant to use sheet piling methods would need to be accompanied by an updated construction noise and vibration chapter of the Environmental Statement, and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.
- 11) No development of the Phase 1 Student Accommodation Buildings or the Library/Academic 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 Phase 1 Buildings 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.
- 12) No development of the Phase 1 Student Accommodation Buildings or the Library/Academic Building shall take place until samples of materials for all external windows and doors of the Phase 1 buildings 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.
- 13) No development of the Phase 1 Student Accommodation Buildings or the Library/Academic Building shall take place until a feasibility scheme for a rainwater recycling system has been submitted to and approved in writing with the Local Planning Authority. If the feasibility study identifies that any rainwater recycling systems are feasible then these will be fully implemented fully in accordance with the study prior to first occupation of the Phase 1 Student Accommodation Buildings and the Library/Academic Building.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policies SU2 and SU15 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 14) No development of the Phase 1 Student Accommodation Buildings or the Library/Academic Building shall take place until a scheme for the storage of refuse and recycling for the Phase 1 buildings 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 Phase 1 buildings and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 15) (i) No development of the Phase 1 Student Accommodation Buildings and Library/Academic 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 1 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 Phase 1 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 1 Student Accommodation Buildings and the Library/Academic 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 (i)c that any remediation scheme required and approved under the provisions of (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 (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.

- 16) No development of Phase 1 Student Accommodation Buildings or the Library/Academic Building shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 1 site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and a maintenance programme for the sustainable urban drainage systems. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to comply with policies SU3 and SU15 of the Brighton & Hove Local Plan.

- 17) No development of the Phase 1 Student Accommodation or the Academic Building shall take place until details of 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 Student Buildings Accommodation and Library/Academic 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.
- 18) Unless otherwise agreed in writing, no development of the Phase 1 Student Accommodation Buildings shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 1 Student Accommodation Buildings has achieved a minimum BREEAM Multi-residential rating of 60% in energy and water sections of relevant BREEAM Multi-residential assessment within overall 'Excellent' for the Phase 1 Student Residential Buildings 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.
- 19) Unless otherwise agreed in writing, no development of the Phase 1 Library/Academic Building shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 1 Library/Academic Building has achieved a minimum BREEAM Education rating of 60% in energy and water sections of BREEAM Education assessment within overall 'Excellent' for the Phase 1 Library/Academic Building 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.
- 20) No development of the Phase 1 Student Accommodation Buildings shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 1 Student Accommodation Buildings at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from noise and meet the levels in British Standard 8233:2014. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 21) No development of the Phase 1 Student Accommodation Buildings shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the Party Walls/Floors between the lifts, substations/bin stores/car park and student residential areas shall achieve an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.

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.

- 22) No development of the Phase 1 Student Accommodation Buildings shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the Party Walls/Floors between the commercial units and the student residential areas shall achieve an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.

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.

- 23) No development of the Phase 1 Library/Academic Building shall take place until a scheme for the fitting of odour control equipment and soundproofing of such equipment for the café use at the ground floor 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 Phase 1 Library/Academic Building 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 Student Accommodation Buildings and Library/Academic Building shall take place until a scheme for the sound insulation of the internal plant and machinery within the Phase 1 Student Accommodation Buildings and Library/Academic Building against the transmission of sound and/or vibration 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 Phase 1 buildings 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.

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

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 26) No development shall take place above the ground floor slab level of the Phase 1 Student Accommodation Building G or H, until 1:20 scale elevations and sections of the ground floor shop fronts have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 27) No development shall take place above the ground floor slab level of any of the Phase 1 Student Accommodation Buildings or Academic and Library Buildings until sample 1:20 elevations and sections of the elevations which include each window type and entrances have been submitted to and approved in writing with the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 28) (i) No development above first floor slab level of the Phase 1 Student Accommodation Buildings and Library/Academic Building shall take place until details of the external lighting of the Phase 1 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 1 Student Accommodation Buildings and Library/Academic 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.
- 29) No development above first floor slab level of the Phase 1 Student Accommodation Buildings or the Library/Academic Building shall commence until a scheme for nature conservation enhancement for the Phase 1 site has been submitted to and approved by the Local Planning Authority. This shall

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 30) No development above first floor slab level of the Phase 1 Student Accommodation Buildings or the Library Academic Building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 1 site including the areas described as 'The Glen' and 'Woodland Edge' which shall include edible landscaping/food growing, hard surfacing, boundary treatments, gates to the car park, steps, walls and seating areas, planting of the development, 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.
- 31) Post completion of the Phase 1 Student Accommodation Buildings, but prior to occupation of the Phase 1 Student Accommodation Buildings, 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 Student Residential Buildings comply with the levels in British Standard 8233:2014. If the additional noise survey and report shows that the levels in the British Standard 8233:2014 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 levels in the British Standard 8233:2014 shall be submitted to and approved in writing prior to first occupation of the Phase 1 Student Residential Buildings.
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.
- 32) Post completion of the Phase 1 Student Accommodation Buildings, but prior to occupation of the Phase 1 Student Accommodation Buildings, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the Party Walls/Floors between the lifts, substations/bin stores/car park and student residential areas has achieved an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
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.
- 33) Post completion of the Phase 1 Student Accommodation Buildings, but prior to occupation of the Phase 1 Student Accommodation Buildings, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the Party Walls/Floors between the commercial units and bedrooms and living/kitchen areas has achieved an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 34) Prior to any ground floor units of the Phase 1 development being first brought into A3 a scheme for the fitting of odour control equipment to Phase 1 buildings along with a scheme for the sound insulation of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of any A3 unit 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.

- 35) Prior to first occupation of the Student Accommodation Buildings and Library/Academic Building a scheme outlining how noise associated with external plant and machinery incorporated into the development shall be controlled shall be submitted to and approved in writing by the Local Planning Authority. A target Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall be 10dB (A) 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. Calculations to show that the target level shall be achieved shall be submitted with the scheme. The scheme shall be installed in accordance with the approved details prior to the first occupation of the Student Accommodation Buildings and Library/Academic Building and shall thereafter be retained as such.

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

- 36) The Phase 1 Library/Academic Building shall only be used for D1 library/education/exhibition provision only and for no other purpose (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.

- 37) All windows on the east facing elevation of the Library/Academic Building, shall not be glazed otherwise than with obscured glass, and fixed shut and thereafter permanently retained as such.

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

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 38) No development of the Student Accommodation Buildings above first floor slab level shall take place, until a scheme detailing the obscure glazing sections and method of opening of all windows on the south facing elevation of Student Building E, east and west facing elevations of Student Building F, north, east and south facing elevations of Student Buildings G and H, has been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the privacy of adjacent and future residents and to comply with policies QD27 of the Brighton & Hove Local Plan.
- 39) No work shall take place above the first floor slab level of the Library/Academic Building, until details of the construction of the green roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix and maintenance details. The scheme shall then be carried out in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
- 40) No work shall take place above the first floor slab level of the first floor level of the Library/Academic Building or Student Accommodation Buildings, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The Phase 1 development shall then 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.
- 41) Unless otherwise agreed in writing with the Local Planning Authority, none of the Phase 1 Student Accommodation Buildings hereby approved shall be occupied until a BREEAM Multi-Residential Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 1 Student Accommodation Buildings has achieved a minimum BREEAM Multi-Residential rating of 60% in energy and water sections of relevant BREEAM Multi-Residential 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.
- 42) Unless otherwise agreed in writing with the Local Planning Authority, none of the Phase 1 Library/Academic Building hereby approved shall be occupied until a BREEAM Education Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 1 Library/Academic Building as built has achieved a minimum BREEAM Education rating of 60% in energy and water sections of relevant BREEAM Education assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 43) No servicing of the Phase 1 Student Accommodation Buildings, including ground floor uses, or Academic/Library Building (i.e. deliveries to or from the premises and refuse collection) shall occur except between the hours of 08.00 and 20.00 Monday to Saturdays and no servicing on Sundays and Bank Holidays.
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.
- 44) If, during development of the Phase 1 Student Accommodation Buildings or the Academic/Library Building, 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.
- 45) All planting, seeding or turfing comprised in the approved scheme of landscaping in Phase 1 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.
- 46) There shall be no public access (including staff and students) to the roof terrace on Student Building H or the roof terrace on the Library/Academic Building until a Roof Level Wind Assessment, which shall also include any necessary mitigation measures, has been submitted to and approved in writing with the Local Planning Authority. If mitigation measures are necessary they shall be implemented fully in accordance with the approved details prior to any public use of the roof terrace areas on the Student Accommodation Building H or on the Library/Academic Building. The mitigation measures shall be retained as such thereafter.
Reason: As the Environmental Statement does not contain an assessment of the wind conditions of these roof terraces and therefore mitigation may be needed if they are to be utilised as an amenity area, and to comply with policy QD2 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 47) The ground floor A3 units in Phase 1 shall not be operational except between the hours of 08:00 to 23:30 and the ground floor A1 units shall not be operational except between the hours of 07:00 to 23:00.

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

- 48) Unless otherwise agreed in writing, within the undercroft car park a minimum of 10 disabled parking spaces shall be provided for the Phase 2 residential uses and a minimum of 6 disabled parking spaces shall be provided for the Phase 3 office use.

Reason: To ensure that there is adequate parking for people with a mobility related disability and to comply with policy TR18 of the Brighton & Hove Local Plan.

Phase 2 – Residential Buildings

- 49) The Phase 2 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 3 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.
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria shall be agreed by Brighton & Hove City Council Housing Team and for the purposes of this condition '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.

- 50) During the construction of the Phase 2 Residential Buildings sheet piling methods are not permitted.

Reason: As the Environmental Statement did not contain an assessment of the noise and vibration impacts of sheet piling. Any future written request by the applicant to use sheet piling methods would need to be accompanied by an updated construction noise and vibration chapter of the Environmental Statement, and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 51) No above ground development of the Phase 2 Residential Buildings 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 Phase 2 Buildings 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.
- 52) No development of the Phase 2 Residential Buildings shall take place until samples of materials for all external windows and doors of the Phase 2 buildings 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.
- 53) No development of the Phase 2 Residential Buildings shall take place until a scheme for the storage of refuse and recycling for the Phase 2 buildings 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 Phase 2 buildings 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.
- 54) (i) No development the Phase 2 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 2 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 Phase 2 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 2 Residential Buildings 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 (i) c that any remediation scheme required and approved under the provisions

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

of (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 (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 2 Residential Buildings shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 2 site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and a maintenance programme for the sustainable urban drainage systems. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to comply with policies SU3 and SU15 of the Brighton & Hove Local Plan.

- 56) No development of the Phase 2 Residential Buildings shall take place until details of cycle parking facilities for the occupants of, and visitors to, the Phase 2 site 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 Phase 2 Residential Buildings 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.

- 57) Unless otherwise agreed in writing by the Local Planning Authority, no development of the Phase 2 Residential Buildings shall take place 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.

- 58) Unless otherwise agreed in writing, no development of the Phase 2 Buildings shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 2 ground floor commercial units have achieved a

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

minimum BREEAM Retail rating of 60% in energy and water sections of relevant BREEAM Retail assessment within overall 'Excellent' for all of the commercial 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.

- 59) No development of the Phase 2 Residential Buildings shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 2 Residential Buildings at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from noise and meet the levels in British Standard 8233:2014. 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.
- 60) No development of the Phase 2 Residential Buildings shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the Party Walls/Floors between the lifts, substations/bin stores and residential areas shall achieve an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
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.
- 61) No development of the Phase 2 Residential Buildings shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the Party Walls/Floors between the commercial units and the residential areas shall achieve an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
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.
- 62) No development of the Phase 2 Residential Buildings shall take place until a scheme for the sound insulation of the internal plant and machinery within the Phase 2 Residential Buildings against the transmission of sound and/or vibration 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 Phase 2 Buildings 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.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 63) No development of the Phase 2 Residential Buildings shall take place until a written Site Waste Management Plan for Phase 2 site, confirming how construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The 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.
- 64) No development shall take place above the ground floor slab level of the Phase 2 Residential Buildings, until 1:20 scale elevations and sections of the ground floor shop fronts and commercial ground floor frontages have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 65) No development shall take place above the ground floor slab level of any of the Phase 2 Residential Buildings until sample 1:20 elevations and sections of the elevations which include each window type and entrance have been submitted to and approved in writing with the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 66) (i) No development above first floor slab level of the Phase 2 Residential Buildings shall take place until details of the external lighting of the Phase 2 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 2 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.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 67) No development above first floor slab level of the Phase 2 Residential Buildings shall commence until a scheme for nature conservation enhancement on the Phase 2 site 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.
- 68) No development above first floor slab level of the Phase 2 Residential Buildings until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 2 site including the areas described as 'Circus Court' which shall include edible landscaping/food growing, hard surfacing, boundary treatments, steps, walls and seating areas, planting of the development, wind mitigation in the form of tree planting, 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.
- 69) Post completion of the Phase 2 Residential Buildings, but prior to occupation of the Phase 2 Residential Buildings, 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 2 Residential Buildings comply with the levels in British Standard 8233:2014. If the additional noise survey and report shows that the levels in the British Standard 8233:2014 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 levels in the British Standard 8233:2014 shall be submitted to and approved in writing prior to first occupation of the Phase 2 Residential Buildings.
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.
- 70) Post completion of the Phase 2 Residential Buildings, but prior to occupation of the Phase 2 Residential Buildings, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the Party Walls/Floors between the lifts and substations/bin stores and residential areas has achieved an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
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.
- 71) Post completion of the Phase 2 Residential Buildings, but prior to occupation of the Phase 2 Residential Buildings, an additional noise survey and report shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the Party Walls/Floors between the commercial units

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

and residential areas has achieved an airborne sound insulation value of 5dB better than that specified in Approved Document E of the Building Regulations.
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) Prior to any ground floor units of the Phase 2 Residential Buildings being first brought into A3 use a scheme for the fitting of odour control equipment to Phase 2 Buildings along with a scheme for the sound insulation of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of any A3 unit 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.
- 73) Prior to first occupation of the Phase 2 Residential Buildings a scheme outlining how noise associated with external plant and machinery incorporated into the development shall be controlled shall be submitted to and approved in writing by the Local Planning Authority. A target Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall be 10dB (A) 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. Calculations to show that the target level shall be achieved shall be submitted with the scheme. The scheme shall be installed in accordance with the approved details prior to the first occupation of the Residential Buildings and shall thereafter be retained as such.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 74) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved as part of the Phase 2 Residential Buildings 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.
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.
- 75) Unless otherwise agreed in writing with the Local Planning Authority, none of the Phase 2 ground floor commercial units hereby approved shall be occupied until a BREEAM Retail Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 2 ground floor commercial units as built has achieved a minimum BREEAM Retail rating of 60% in energy and water sections of relevant BREEAM Retail assessment

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 76) No servicing of the commercial units on the ground floor of the Stage 2 Residential Buildings (i.e. deliveries to or from the premises and refuse collection) shall occur except between the hours of 08.00 and 20.00 Monday to Saturdays and no servicing on Sundays and Bank Holidays.
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.
- 77) If, during development of the Phase 2 Residential Buildings, 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.
- 78) All planting, seeding or turfing comprised in the approved scheme of landscaping in Phase 2 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.
- 79) The new dwellings hereby permitted as part of the Phase 2 Residential Buildings 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
- 80) A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 81) The ground floor A3 units in Phase 2 shall not be operational except between the hours of on 08:00 to 23:30 and the ground floor A1 units shall not be operational except between the hours of 07:00 to 23:00.

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

- 82) The windows serving the northern most staircase on the east facing elevation of Residential Building B and the secondary windows serving living/kitchen areas on the north and south elevations of Residential Building C shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Phase 3 – Office Building and Dance Building

- 83) During the construction of the Phase 3 Office and Dance Buildings sheet piling methods are not permitted.

Reason: As the Environmental Statement did not contain an assessment of the noise and vibration impacts of sheet piling. Any future written request by the applicant to use sheet piling methods would need to be accompanied by an updated construction noise and vibration chapter of the Environmental Statement, and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.

- 84) No development of the Phase 3 Office and Dance Buildings 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 Phase 3 Office and Dance Buildings 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.

- 85) No development of the Phase 3 Office and Dance Buildings shall take place until samples of materials for all external windows and doors of the Phase 3 Office and Dance Buildings 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.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 86) No development of the Phase 3 Office and Dance Buildings shall take place until a scheme for the storage of refuse and recycling for the Phase 3 Office and Dance Buildings 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 Phase 3 buildings 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.
- 87) (i) No development the Phase 3 Office and Dance 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 3 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 Phase 3 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 3 Office and Dance Buildings 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 (i)c that any remediation scheme required and approved under the provisions of (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 (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.
- 88) No development of the Phase 3 Office and Dance Buildings shall be commenced unless and until a scheme for the provision of surface water drainage for the Phase 3 site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and a maintenance programme for the sustainable urban drainage systems. The scheme shall be implemented fully in accordance with

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

the approved details and unless otherwise agreed in writing with the Local Planning Authority shall be retained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding and to comply with policies SU3 and SU15 of the Brighton & Hove Local Plan.

- 89) No development of the Phase 3 Office and Dance Buildings shall take place until details of cycle parking facilities for the occupants of, and visitors to, the Phase 3 site 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 Phase 3 Residential Buildings 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.
- 90) Unless otherwise agreed in writing, no development of the Phase 3 Office Building shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that the Phase 3 Office Building 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.
- 91) Unless otherwise agreed in writing, no development of the Phase 3 Dance Building shall take place until a BRE issued Interim/Design Stage Certificate demonstrating that Phase 3 Dance Building has achieved the relevant minimum BREEAM rating of 60% in energy and water sections of the relevant BREEAM assessment within overall 'Excellent' for the Phase 3 Dance Building 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.
- 92) No development of the Phase 3 Office and Dance Buildings shall take place until an acoustic report has been submitted to and approved in writing by the Local Planning Authority which contains details of how the Phase 3 Office and Dance Buildings at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from noise and should contain details of how the Office Building meets the levels in British Standard 8233:2014, and how the Dance Building meets the levels contained within British Bulletin 93. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 93) No development of the Phase 3 Office and Dance Buildings shall take place until a scheme for the sound insulation of the internal plant and machinery within the Phase 3 Office and Dance Buildings against the transmission of sound and/or vibration 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 Phase 3 buildings 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.

- 94) No development of the Phase 3 Office and Dance Buildings shall take place until a written Site Waste Management Plan for the Phase 3 site, confirming how construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The 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.

- 95) No development shall take place above the ground floor slab level of the Phase 3 Office and Dance Buildings, until 1:20 scale elevations and sections of the ground floor shop fronts and entrances on the Office Building and the ground floor elevations of the Dance Building have been submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 96) No development shall take place above the ground floor slab level of the Phase 3 Office and Dance Buildings until sample 1:20 elevations and sections of the elevations which include each window type have been submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 97) No development shall take place above the ground floor slab level of the Phase 3 Office until a wind mitigation scheme for ground floor entrance located at the corner of the building at the junction of Kingswood Street and Circus Street, and which serves the retail A1 unit, has been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented entirely in accordance with the approved details and retained as such thereafter.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 98) No development shall take place above the ground floor slab level of the Phase 3 Dance Building until sample 1:20 elevations and sections of the external fire escape stairs have been submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 99) (i) No development above first floor slab level of the Phase 3 Office and Dance Buildings shall take place until details of the external lighting of the Phase 3 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 3 Office and Dance 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.

- 100) No development above first floor slab level of the Phase 3 Office and Dance Buildings shall commence until a scheme for nature conservation enhancement on the Phase 3 site 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.

- 101) No development above first floor slab level of the Phase 3 Office and Dance Buildings until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping for the Phase 3 site including the public events square, which shall include hard surfacing, boundary treatments, steps, walls and seating areas, planting of the development, together with measures for their protection in the course of development.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

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.

- 102) Post completion of the Phase 3 Office and Dance Buildings, but prior to occupation of the Phase 3 Office and Dance Buildings, 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 3 Office Building comply with the levels in British Standard 8233:2014 and demonstrate that the noise levels internally within the Dance Building comply with the levels in British Bulletin 93. If the additional noise survey and report shows that the levels in the British Standard 8233:2014 are not met for the Office or that the levels in the British Bulletin 93 are not met for the Dance Building, then an additional report detailing the mitigation measures to be installed including a further test carried out to demonstrate compliance with the levels in the British Standard 8233:2014 and British Bulletin 93 shall be submitted to and approved in writing prior to first occupation of the Phase 3 Buildings.

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.

- 103) Prior to any ground floor units of the Phase 3 Office Building being first brought into A3 use a scheme for the fitting of odour control equipment to the ground floor units of the Phase 3 Office Building along with a scheme for the sound insulation of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of any A3 unit 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.

- 104) Prior to first occupation of the Phase 3 Office and Dance Buildings a scheme outlining how noise associated with external plant and machinery incorporated into the Phase 3 site shall be controlled shall be submitted to and approved in writing by the Local Planning Authority. A target Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall be 10dB (A) 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. Calculations to show that the target level shall be achieved shall be submitted with the scheme. The scheme shall be installed in accordance with the approved details prior to the first occupation of the Office and Dance Buildings and shall thereafter be retained as such.

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

- 105) Unless otherwise agreed in writing with the Local Planning Authority, none of the Phase 3 Dance Building hereby approved shall be occupied until a relevant

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 3 Dance Building as built has achieved a relevant 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.

- 106) Unless otherwise agreed in writing with the Local Planning Authority, none of the Phase 3 Office Building hereby approved shall be occupied until a relevant BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the Phase 3 Office Building as built has achieved a relevant 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

- 107) No work shall take place above the first floor slab level of the Phase 3 Office and Dance Buildings, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the Phase 3 Buildings hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The Phase 3 development shall then 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.

- 108) No servicing of the commercial Phase 3 Office and Dance Buildings (i.e. deliveries to or from the premises and refuse collection) shall occur except between the hours of 08.00 and 20.00 Monday to Saturdays and no servicing on Sundays and Bank Holidays.

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.

- 109) If, during development of the Phase 3 Office and Dance Buildings, 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.

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- 110) All planting, seeding or turfing comprised in the approved scheme of landscaping in Phase 3 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.
- 111) The Phase 3 Dance Studio shall only be used for D2 dance studio provision only with ancillary B1 office accommodation and for no other purpose (including any other purpose in Class D2 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 aspirations for the City with regard to a South East Dance regional centre and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.
- 112) The Phase 3 Dance Building and Office Building shall not be occupied until the Archaeological Site Investigation and Post Investigation Assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: To ensure that the archaeological interest of the site is safeguarded and recorded and to comply with policy HE12 of the Brighton & Hove Local Plan.
- 113) The Dance Building shall not be operational except between the hours of 07:00 to 23:00.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

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:

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

- (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 proposed development is consistent with the objectives of the strategic allocation set out by policy DA5 of the Submission City Plan. The development would cause less than substantial harm to the setting of heritage assets and would have a significant impact on the daylight/sunlight levels received at surrounding properties. However, the proposal would bring many benefits in terms of regeneration of a mainly derelict site in a part of the City that requires investment. The development would bring environmental, social, cultural and economic benefits by revitalising a once busy and vibrant quarter. The proposal would provide employment, homes (including a proportion of affordable), purpose built student accommodation, a new Academic/Library building and a regional dance facility for South East Dance. Considerable public realm improvements are proposed on and off site. The quality of the architecture and the innovation in design terms around the public realm would create a unique and attractive quarter to live, work and relax which would be an asset to the City. Therefore the considerable public benefits of the scheme are considered to outweigh the harm identified to heritage assets and other impacts.
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
 4. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
 5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
 6. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website

PLANNING COMMITTEE LIST- 17 SEPTEMBER 2014

(www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

7. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). 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).
8. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
9. The applicant is advised that the above conditions on land contamination have been imposed because 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.
To satisfy the conditions 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 (i) (b) and (i) (c) of the condition.
It is strongly recommended that in submitting details in accordance with these conditions the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

Circus Street – BH2013/03461

Letters of Objection

Property Name / Number	Street	Town	Postcode
1 x no address			
17 Saxonbury	Ashton Rise	Brighton	BN2 9QP
37 Belle Vue Court	Belle Vue Gardens	Brighton	BN2 0AN
Ground Floor Flat 17	Bigwood Avenue	Hove	BN3 6FP
4 The Village Barn	Church Hill	Brighton	BN1 8YU
16A	Circus St	Brighton	BN2 9QF
6	Compton Avenue	Brighton	BN1 3PN
9	Eaton Villas	Hove	BN3 3TB
5	Furzedene	Hove	BN3 1PP
1 Gloucester Mews 113 -120	Gloucester Road	Brighton	BN1 4BW
Flat 3 43	Grand Parade	Brighton	BN1 9QA
No number given	Grand Parade Mews	Brighton	BN2 9RU
7	Hangleton Rd	Hove	BN3 7GF
74	Hangleton Rd	Hove	BN3 7GF
109	Havelock Rd.	Brighton	BN1 6GN
Flat 37 Ebenezer Apartments (x2)	Ivory Place	Brighton	BN2 9AB
Flat 44 Ebenezer Apartments	Ivory Place	Brighton	BN2 9AB
Milner Flats (no number given)	Kingswood Street	Brighton	BN2 9QG
31	Langdale Rd.	Hove	BN3 4HQ
3	Morley Street	Brighton	BN2 9RA
4	Nelson Place		BN2 9RE
1A	Powis Grove	Brighton	BN1 3HF
Flat 2 2	Powis Square	Brighton	BN1 3HH
52	Rugby Rd.	Brighton	BN1 6EB
7	Shirley Drive	Hove	BN3 6NQ
7	Stanford Avenue	Hassocks	BN6 8JL
Flat 5 13	Sussex Square	Brighton	BN2 5AA
39 Britannia Court		Brighton	BN2 5SF
14	West Hill Place	Brighton	BN1 3RU
8	West Hill Road.	Brighton	BN1 3RT
40	Wilbury Road	Hove	BN3 3JP
9	Wykeham Terrace	Brighton	BN1 3FF

Addresses within the Petition

Property Name / Number	Street	Town	Postcode
47 Milner Flats	Kingswood Street	Brighton	BN2 9QG
	Ivory Place	Brighton	BN2 9QE
41 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
13 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
13 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
39 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
41 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
44 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
39 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
55 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
57 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
54 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
41 Milner Flats	Kingswood Street	Brighton	BN2 9QH
47 Milner Flats	Kingswood Street	Brighton	BN2 9QH
2 Milner Flats	Kingswood Street	Brighton	BN2 9QH
5 Milner Flats	Kingswood Street	Brighton	BN2 9QH
8 Milner Flats	Kingswood Street	Brighton	BN2 9QH
16 Milner Flats	Kingswood Street	Brighton	BN2 9QH
14 Milner Flats	Kingswood Street	Brighton	BN2 9QH
Milner Flats	Kingswood Street	Brighton	BN2 9QH
Milner Flats	Kingswood Street	Brighton	BN2 9QH
28 Milner Flats	Kingswood Street	Brighton	BN2 9QH
22 Milner Flats	Kingswood Street	Brighton	BN2 9QH
24 Milner Flats	Kingswood Street	Brighton	BN2 9QH
32 Milner Flats	Kingswood Street	Brighton	BN2 9QH
20	Winterbourne Lane	Lewes	BN7 1HW
34 Milner Flats	Kingswood Street	Brighton	BN2 9QH
38 Milner Flats	Kingswood Street	Brighton	BN2 9QH
40 Milner Flats	Kingswood Street	Brighton	BN2 9QH
21 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
28 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
17 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
15 Kingswood Flats	Kingswood Street	Brighton	BN2 9QH
15A	Shanklin Rd.	Brighton	BN2 3LP
24	Stephen's Rd.	Brighton	BN1 7ER
4	Crestway Parade	Brighton	BN1 7BL
94	Craven Rd.	Brighton	BN2 0FG
84	Bramble Way	Brighton	BN1 8GL
Flat 13 15	Lower Rock Gardens	Brighton	BN2 1PG
Flat 5 16	Market Street	Brighton	BN1 1HH
98	Edburton Avenue	Brighton	BN1 6EQ
44	Ditching Rise	Brighton	BN1 4QN

	(Plus 2 with no address)		
--	--------------------------	--	--

Letters of Support

Property Name / Number	Street	Town	Postcode
4 x no address			
East Lodge	Barcombe Place	Barcombe	BN8 5DL
43	Belmont Street	Brighton	BN1 4HM
The Old Rectory	Brighton Road	Woodmancote	BN5 9SR
35a	Brunswick Terrace	Hove	BN3 1HA
78	Burstead Close	Brighton	BN1 7HT
64a	Carlton Hill	Brighton	BN2 0GW
19	Coleman Street	Brighton	BN2 9SQ
19	Crown Street	Brighton	
17a	Denmark Terrace	Brighton	BN1 3AN
229	Ditchling Road	Brighton	BN1 6JD
10	Grand Parade	Brighton	BN2 9QB
127	Greenways Crescent	Shoreham-by-Sea	BN43 6HP
Flat 4	Langdale Road	Hove	BN3 4HN
45	Links Road	Portslade	BN41 1XH
8	Lewes Crescent	Brighton	BN2 1FH
36	Chichester Drive East	Brighton	BN2 8LB
1	Kelly Road	Hove	BN3 6LD
19	Coleman Street	Brighton	BN2 9SQ
31	Harrington Rd.	Brighton	BN1 6RF
229	Ditchling Rd.	Brighton	BN1 6JD
10	Grand Parade	Brighton	BN2 9QB
The Coach House	Eaton Road	Hove	BN3 3PP
28	Kensington Street	Brighton	BN1 4AJ
46	Jersey Street	Brighton	BN2 9NU
21a	Albany Villas	Hove	BN3 2RS
2	South Beach	Shoreham by Sea	BN43 5LY
1	Gableson Avenue	Brighton	BN1 5FG
31a	Wilbury Crescent	Hove	BN3 6FJ
15	St. Aubyns Road	Portslade	BN41 1AB
39	St. Lukes Terrace	Brighton	BN2 9ZE
209	Upper Shoreham Road	Shoreham by Sea	BN43 6BE
79	Rose Hill Terrace	Brighton	BN1 4JL
	Isfield Road	Steyning	BN44 3TN
28a	Springfield Road	Brighton	BN1 6DA
7	Henfield Way	Brighton	BN3 8GY
27	East Drive	Brighton	BN2 0BQ
3 Springfield Cottages	Top Street	Bolney	RH17 5PN
14	Barnett Rd.	Brighton	BN1 7GH

39	St. Lukes Terrace	Brighton	BN2 9ZE
48	Riverside Rd.	Shoreham	BN23 5RB
15	Buckingham Mews	Shoreham-by-Sea	BN43 6AJ
39	West Road	Southampton	SO45 4RH
51	St. Leonards Road	Hove	BN3 4QP
8	Bristol Rd	Brighton	BN2 1AP
Sussex County Cricket Ground	Eaton Rd.	Hove	BN3 3AN
43	Coleman Avenue	Hove	BN3 5ND
The Basement 24	Kensington Street	Brighton	BN1 4AJ
24	Harrington Villas	Brighton	BN1 6RG
Flat 3	Broad Street	Brighton	BN2 1TJ
	Blackgate Lane	Pulborough	RH20 1DD
32	St. Keyna Avenue	Hove	BN3 4PP
31	Osmond Rd.	Hove	BN3 1TD
30	Talbot Terrace	Lewes	BN7 2DS
58	Islington Street	Brighton	BN2 9US
	Hanover Crescent	Brighton	BN2 9SB
35	Denmark Villas	Hove	BN3 3TD
40	Wilbury Crescent	Hove	BN3 6FJ
31 Beaufort Court 49	Lillie Road	London	SW6 1UA
44 Green Lane	St. Albans	Herts	AL3 6EY
41	Warleigh Rd.	Brighton	BN1 4NT
Flat 115 Wellend Villas	Springfield Rd	Brighton	BN1 6BT
78	St. George's Rd.	Brighton	BN2 1EF
Flat 2 7	Lansdowne Place	Hove	BN3 1HB
73	Brighton	Beaconsfield Villas	BN1 6HF
Millfield Barn	Pickwell Lane Bolney	Haywards Heath	RH17 5RH
13	Milnthorpe Rd.	Hove	BN3 5HT
44-46	Old Steine	Brighton	BN1 1NH
9	Albany Villas	Hove	BN3 2RS
Flat 7 58	The Drive	Hove	BN3 3PD
17	Highbank	Brighton	BN1 5GB
3 Orchard House	Park View Rd.	Hove	BN3 7AW
1	Jubilee Street	Brighton	BN1 1GE
58	Court Farm Rd.	Hove	BN3 7QR
ROCC Computers Ltd.	South Rd.	Brighton	BN1 6SB
8	Arundel Place	Brighton	BN2 1GD
27	Sackville Gardens	Hove	BN3 4GJ
Chailey Place	Chailey	Lewes	BN8 4DA
Shearfold Barn	Stubb Lane	Brede	TN31 6EH
24	The Cliff	Brighton	BN2 5RE
30	Upper Gardner St.	Brighton	BN1 4AN

53	Shelton St.		WC3H 9JU
	Brunswick Place	Hove	BN3 1ND
Flat 16 Girton House	193 Kingsway	Hove	BN3 4FB
106 High Street	Hurstpierpoint	Hassocks	BN6 9PX
3	Wilbury Avenue	Hove	BN3 6HR
Flat 37 Balmoral Court	Nevill Rd.	Hove	BN3 7QP
Yellowwave Beach Sports Venue	299 Madeira Drive	Brighton	BN2 1EN
Telscombe Cliffs	East Sussex	Peacehaven	BN10 7AP
27	Harrington Place	Brighton	BN1 7HL
144	Ladysmith Rd.	Brighton	BN2 4EP
31	Harrington Rd.	Brighton	BN1 6RF
Mulberry House	Monkmead Lane	West Chiltington	RH20 2NH
1	Poynter Road	Hove	BN3 7AH
15	Park Crescent	Brighton	BN2 3HA
IVY Cottage		Poynings	BN45 7AG
2a	Prestonville Road	Brighton	BN1 3TL
8	Terminus Place		BN1 3PR
9	The Broadway	Polegate	BN26 5XL
Flat 25 5	Queensland Road	London	N7 7FE
1 James Brine House	Ravenscroft Street	London	E2 7QQ
11	Rigden Road	Hove	BN3 6NP
8	Southdown Place	Brighton	BN1 6FP
68	Shadwell Road	Portsmouth	PO2 9EJ
Flat 3 37	Waterloo Street	Hove	BN3 1AY
147	Waldegrave Road	Brighton	BN1 6GJ
33	Withyham Avenue	Brighton	BN2 8LF
19-21 22	Circus Street	Brighton	BN2 9QF
Member of staff	University of Brighton	Brighton	BN2 0JY

Letters of Comment

Property Name / Number	Street	Town	Postcode
29 Pavilion Court	Grand Parade Mews	Brighton	BN2 9RU
27	Hamilton Rd.	Brighton	BN1 5DL
5	Greenway Court	Brighton	BN2 7GS
17a	Denmark Terrace	Brighton	BN1 3AN

Letters of Objection Following Re-consultation

Property Name / Number	Street	Town	Postcode
17 Saxonbury	Ashton Rise	Brighton	BN2 9QP
Flat 13 Royal View	80 Grand Parade	Brighton	BN2 9JA
25	Grand Parade	Brighton	BN2 9QB
127	Greenways Crescent	Shoreham-by-Sea	BN43 6HP
Flat 37 Ebenezer Apartments	Ivory Place	Brighton	BN2 9AB
44 Ebenezer Apartments	Ivory Place	Brighton	BN2 9AB
7	Milner Flats	Brighton	BN2 9QG
4	Nelson Place	Brighton	BN2 9RE
Flat 31 Pavilion Court	Grand Parade Mews William Street	Brighton	BN2 9RU

Letters of Support Following Re-consultation

Property Name / Number	Street	Town	Postcode
Flat 11 Deco Building	Coombe Rd.	Brighton	BN2 4EQ
33	Montefiore Rd.	Hove	BN3 1RD
Flat 11 Deco Building	Coombe Rd.	Brighton	BN2 4EQ
20	Marlow Rd.	Brighton	BN2 5NB
32a	Franklin Rd.		BN2 3AE
3	Hove Park Villas	Hove	BN3 6HP
42a	Preston Rd.	Brighton	BN1 4QF
52/3 Kingsway Court	Queens Gardens		BN3 2LQ
46	Adur Drive	Shoreham-by-Sea	BN43 6PL
14	Gloucester Rd.	Brighton	BN1 4AD
33	The Highway	Peacehaven	BN10 8XC
30	Queens Park Rise	Brighton	
63	Hollingdean Terrace	Brighton	BN1 7HB
Flat 22 St. John's Mount	Mount Pleasant	Brighton	BN2 0JP
31 Aylesbury	York Avenue	Hove	BN3 1PT
1	Church Hill	Brighton	BN1 8YA

Letters of Comment Following Re-consultation

Property Name / Number	Street	Town	Postcode
Third Floor Flat 40	Grand Parade	Brighton	BN2 9QA
25	Grand Parade	Brighton	BN2 9QB



Carlton Row

The Glen

Student F

Student E

Student G

Student H

Library & Academic Building

Woodland Edge

Residential B

Circus Square

Circus Court

Residential C

Dance Space

Office

Residential A

Residential D

Morley Street

Kingswood Street

Circus Street

Student Housing
(Sub Generis)

The U of B Library and Academic Building

- D1
- The Office**
B1
- The Dance Space**
D2
- Residential**
C3
- Residents' Entrance Lobby**

Retail
A1, A3, B1

Circulation / Plant / Refuse

Circus Square

Application Site Boundary

Catenary Lighting

Ballards

Entrance

Fire Escape Exit

Refuse Exit

Revisions:
a-21.07.14 - Revised Application Scheme
- Revised Site Layout

shedkm

Planning

Project	Circus Street
Building	All
Drawing Number	M100 a Ground
Scale	1:250 at A1 / 1:500 at A3
Drawn	GB + MH

Ground Floor Masterplan



Student Housing
(Sul Generis)

Student Lounge

The U of B Library and Academic Building

The Office

B1

The Dance Space

D2

Residential

C3

Circulation / Plant / Refuse

Upper Deck

Cantenary Lighting

Balkards

Entrance

Fire Escape Exit

Refuse Exit



Revisions:
a - 21.07.14 - Revised Application Scheme
- Revised Site Layout

shedkm

Planning

Project	Circus Street
Building	All
Drawing Number	M101, a First
Scale	1:250 at A1 / 1:500 at A3
Drawn	GB + MH

First Floor Masterplan

