

17th September 2014 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
15	Circus Street Development, Former Wholesale Market (including 7 Morley Street), Brighton	BH2013/03461	<p>Additional Recommended Section 106 Agreement Head of Terms</p> <p><u>All Phases</u> Review Mechanism – Commuted Sums - If the Dance Studio has not reached shell and core stage and the Office Building has not reached first floor level within 5 years of the date of this permission then the level of commuted sums to be re-assessed as part of the Viability Assessment (also required by condition 5). Maximum level of commuted sums to be capped at £180,633 for education provision; £113,430 for local employment scheme; £910,484 for open space, sport and recreation; and £391,250 for sustainable transport.</p> <p><u>Phase 3 – Office Building and Dance Building</u> Commitment to require future occupiers of ground floor commercial units sign up to the Green Fit Out Principles.</p> <p>Amendments to existing Head of Terms (new text in bold)</p> <p><u>Phase 1 – Student Accommodation Buildings and the Library/Academic Building</u> 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 1 (to be defined on a plan).</p> <p>Prior to first occupation a Delivery & Servicing Management Plan and Parking Management Strategy (car park and to prevent/enforce car parking on access routes/open spaces to be submitted and approved.</p> <p><u>Phase 2 Residential Development</u> Prior to first occupation a Delivery & Servicing 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.</p> <p>Prior to first occupation a Residential Travel Plan to be submitted and approved</p>

by the LPA.

Prior to first occupation measures to ensure the development remains car free **other than those who have an allocated parking space in the undercroft car park** - TRO to exclude **all** able bodied residents from obtaining a parking permit.

Prior to first occupation a Delivery & **Servicing** Management Plan and Parking Management Strategy (to prevent/enforce car parking on access routes/open spaces) to be submitted and approved.

Changes to Recommended Conditions (new text in bold)

3) **Should the Phase 3 Dance Building not be completed to shell and core and the office completed to at least first floor level, no more than 75% of the market housing shall be occupied until** 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;
 - 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.

Reference to '**2011 New Construction**' to be added after 'BREEAM' in conditions 18, 19, 41, 42, 58, 75, 105 and 106.

Word '**individual**' added to before 'ground floor units' for conditions 34 and 72.

New condition recommended for Phase 3 – Office Building and Dance Building
Prior to any ground floor units of the Phase 3 Office Building being first brought into A3 a scheme for the fitting of odour control equipment to 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.

Additional consultation responses received

External

Neighbours

Three further representations have been received from the residents of **7 Milner Flats, 40 and 47 Grand Parade** which object for the following reasons:

- residents of the flats and students will not mix;
- no green concessions to enhance environment;
- construction noise and disruption for years;
- construction noise will make working in offices unbearable;
- noise and disturbance from with so many students and library visitors;
- noise levels will increase;
- congestion and loss of car parking which will affect workers who need to make visits in the day;
- changes are minor and do not change opinion of scheme;
- do not agree with the narrowing of Circus Street;
- overshadowing rear of Grand Parade;
- gross overdevelopment;
- too high density;
- loss of parking will affect workers who need to make visits in the day.

Three further representations have been received from the resident of **18 Cow Roast Tring, Herts, 104 Hollingbury Park Avenue, Regent House, Hove Street** which support the scheme, for the following reasons:

- many towns are tired and unappealing;
- regeneration will bring back the vibrant community;
- economic benefits, jobs, education benefits and community benefits important for the City.

Two local businesses **Moshimo, Bartholomew Square and Maconvilles, 18-22 Boundary Road** support the scheme for the following reasons:

- this site needs to feel part of the vibrancy that our City has to offer;
- the City needs the new jobs, new housing and dedicated student accommodation, new offices for digital businesses; dance space for SE Dance, new library for the Art Faculty of University of Brighton and community benefits.

Officer response: There are no new issues raised. These have all been addressed in detail in the report.

Regency Society

Object: The density of residential flats proposed of 1100 bedspaces per hectare is high and would be more than 6 times that proposed for Toads Hole Valley. Student hostel would have a density of 1518 bedspaces per hectare. Whilst acknowledging the pressure to provide housing, the development is a serious overdevelopment of the land. Would argue for the removal of the office element. Residents will face onto a sunless court. Poor amenity for new residents and students. Insufficient lifts for the population of the flats and student blocks. Layout of the site is quite bland. No single entrance to the site to aid legibility. Little to distinguish categories of buildings or hierarchy. Access across the site does not help with secure by design. Library has a blank frontage to the Event square. Event square will have no sunlight.

Officer response:

These comments were inadvertently omitted from the final report. The assumed density figures for the flats are based upon an assumed *average* occupancy of 3 persons per unit which would be unlikely given the vast majority of units are 1 or 2

bed only. The student bed space density is broadly correct. Bedspaces per hectare in respect of purpose built student accommodation is not a reasonable comparison to make since student accommodation would also be higher than flats or houses as the occupants would share facilities and space. The size and space standards that are accepted by most Universities are quite standard across the industry and so the densities of a scheme will be similar from scheme to scheme.

The objection to the legibility of the site is at odds with the philosophy of the site in that this would not be a secluded development with a single entrance but should be an extension to the urban form that would be traversable by pedestrians.

It is not disputed that the development would be built to a high density. The reasons for this are set out in the report and The Regency Society do acknowledge that the SPD 05 included similar densities in the guidance and also recognise that the City Council are under pressure from Central Government to achieve ambitious housing targets.

The issue of the numbers of lifts are a matter for the Building Regulations and means of escape.

The blank frontage to the library facing the Event square has been opened up to be more transparent.

Sussex Police:

Revised Comments: Note amended plans and that retractable bollards will be used in place of gates. No changes proposed that warrant further crime prevention advice.

Internal

Air Quality Officer:

No objection. The ES states that impacts from combustion plant will be negligible. There are uncertainties with modelling and therefore recommend that the boiler and CHP plant will use the best available techniques in order to have the lowest NOx emissions possible. Changes to the Circus Street highway would result in some traffic flow being diverted to Grand Parade. Although this improves public realm and air quality on Circus Street this would increase concentrations on Grand Parade. Request a financial contribution towards the assessment of air quality before, during

			<p>and after the proposed development and Valley Gardens Masterplan have been implemented. Recommend traffic routes for construction traffic and emission standards for HGVs are agreed though the CEMP.</p> <p>Officer response: The Council's Developer Contributions Guidance does not contain any provision for requiring contributions towards air quality monitoring and the contribution would not mitigate for any adverse impacts directly relating from the development.</p> <p>Housing Strategy: <u>Support</u> Welcome the scheme as it will assist in achieving the aims of providing mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in local need. Note that the applicant is providing 20% affordable and the viability assessment has been confirmed by the District Valuer. Viability has dictated that the affordable housing units will be for intermediate sale (shared ownership). Recognise that there is high demand for intermediate housing across all areas of the City.</p> <p>Officer response: The Housing Strategy team have noted the District Valuer's report that the proposals are viable with 20% affordable housing.</p>
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).