

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

<b><u>No:</u></b>	BH2008/02376	<b><u>Ward:</u></b>	ST. PETER'S & NORTH LAINE
<b><u>App Type</u></b>	Outline		
<b><u>Address:</u></b>	City College Brighton & Hove, Pelham Street, Brighton		
<b><u>Proposal:</u></b>	Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase 1) for the erection of a 14,237sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space and (Class D1), student accommodation (Class C1), youth hostel (sui generis), café with ancillary gallery space (Class A3), employment space (Class B1) GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated access. Access, appearance, landscaping, layout and scale to be determined for (Phase 1). Access, layout and scale to be determined for (Phase 2)		
<b><u>Officer:</u></b>	Kathryn Boggiano tel: 292138	<b><u>Received Date:</u></b>	15 July 2008
<b><u>Con Area:</u></b>	Valley Gardens North Laine	<b><u>Expiry Date:</u></b>	24 December 2008
<b><u>Agent:</u></b>	Broadway Malyan, 2A Riverside House, Southwark Bridge Road, London		
<b><u>Applicant:</u></b>	City College Brighton & Hove, Pelham Street, Brighton		

**1 SUMMARY**

The application site comprises a 1.32 hectare site which contains Pelham Tower, Cheapside, York, Trafalgar and Gloucester buildings and a surface level car park accommodating 118 spaces. . Pelham Street is also included within the application site. The site is in use by City College for educational purposes. Pelham Tower is a 1960's block which is 11 storeys with a maximum height of 44.4 metres. York, Trafalgar and Gloucester are Victorian in age and of varying heights and styles.

Gloucester building is the only building which falls within a conservation area. Directly adjacent to the south of the site is the North Laine Conservation area and bordering the site to the east is the Valley Gardens Conservation Area. The archway on York Place is within the Valley Gardens Conservation Area.

It is proposed to demolish Pelham Tower, Cheapside, Trafalgar and York buildings. The Gloucester building which is within the North Laine Conservation Area will remain.

This application is for outline planning permission with certain reserved matters approved. Full details have been submitted for the main educational building (Phase 1 building) and an outline application for the remainder of the application site (Phase 2). Phase 2 comprises a mixed use scheme for commercial, residential, student accommodation, youth hostel, café and additional educational floorspace. In addition a public square is also proposed as part of Phase 2. Matters to be considered as part of the Phase 2 proposals include the overall layout, scale and access. External appearance, internal layouts and landscaping considerations would form a subsequent reserved matters application.

The main considerations in the determination of this application are; the principle of development (including the acceptability of the uses), the visual impact of the development including the acceptability of the demolition of the buildings, the principle of a tall building on the site, the general layout, the impact on the immediate streetscenes, and the impact on strategic views (including conservation areas and the setting of nearby listed buildings); impact on the amenity of existing and future residents/occupiers; highway impacts; sustainability; and affordable housing and other matters.

The application is submitted with an Environmental Statement. The report concludes that the scheme is acceptable in overall terms.

## **2 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 agreement to secure the following and the following Conditions and Informatives:

### Section 106 Agreement

The 106 will clearly define the Phase 1 and Phase 2 development.

#### *Before commencement of Phase 1 and Phase 2*

1. Detailed Phasing Plan submitted to and agreed by the Local Planning Authority for the Phase 1 and 2 development. Pelham Tower must be completely demolished within 1 year of the first occupation of the Phase 1 building. The Phase 2 public square, Pelham Street and Trafalgar Street must be fully implemented within 3 years of first occupation of the Phase 1 building.
2. Construction Environmental Management Plan submitted to and agreed by the Local Planning Authority. This will include working hours, maximum noise and vibration levels, machinery, traffic routes for demolition/construction, wheel washing facilities, measures to suppress and control dust, and any other measures considered necessary.
3. A scheme submitted to and approved by the Local Planning Authority for the highway improvements to Pelham Street and Trafalgar Street. The

works to Trafalgar Street must be completed before works start on Pelham Street. The developer will fund all aspects of the Traffic Regulation Order.

4. Submission of a Travel Plan for the City College with annual monitoring and updating which will be approved by the Local Planning Authority.
5. Submission of a detailed scheme to be agreed with the Local Planning Authority for the provision of disabled vehicular and cycle parking for the construction periods of Phase 1 and 2.
6. A scheme for the provision of a minimum of £180,000 public art provision within the site to be agreed with the Local Planning Authority.

Prior to commencement of Phase 2 development

7. Documentary evidence will be provided by the City College for the provision and development including contracts entered into for the delivery of the works, of 10,000 sq metres (internal floor area) of educational floorspace elsewhere in the City boundaries, prior to any development of Phase 2 commencing.
8. A contribution toward recreational open space which will be dependant on the number of units and mix of the residential element of the Phase 2 development. Likely to be in the region of £105,00.00.
9. A contribution toward educational provision which will be dependant on the number of units and mix of the residential element of the Phase 2 development. Likely to be in the region of £83,000.00.
10. A contribution toward the Sustainable Transport Strategy which will dependant on the number of units and mix of the residential element of the Phase 2 development. Likely to be in the region of £102,000.00
11. Funding and amendment of the TRO to ensure that residents of the student and residential accommodation of Phase 2 are not eligible for a residents parking permit.
12. A scheme to secure the pedestrian route from York Place via the archway at 15 York Place to be submitted and approved by the Local Planning Authority. The pedestrian route must be implemented prior to the first occupation of any Phase 2 building.
13. 40% of the Phase 2 residential units will be offered as affordable housing, in a location, tenure and mix to be agreed by the Local Planning Authority. 10% of the affordable housing will be wheelchair accessible.

### Conditions

#### **PHASE 1 DEVELOPMENT**

1. The development of Phase 1 of 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. No development of Phase 1 shall take place until a scheme for the

storage of refuse and recycling for Phase 1 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

3. Unless otherwise agreed in writing by the Local Planning Authority, no development of Phase 1 shall commence until:
  - a) evidence that the Phase 1 development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) a BRE issued Design Stage Certificate demonstrating that the Phase 1 development has achieved a BREEAM rating of 70% 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.

4. Unless otherwise agreed in writing by the Local Planning Authority, none of the Phase 1 development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that Phase 1 development as built has achieved a BREEAM rating of 70% 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.

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

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and

Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

6. No development shall commence on Phase 1 until details of secure cycle parking facilities for the Phase 1 development which will accommodate a total of 66 cycle parking spaces for the staff, students 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 development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
7. Use of the roof terrace areas located at the third and fifth floors and all balconies of the Phase 1 building shall only be permitted between the hours of 08.30 and 22.00 Monday to Friday, 08.30 and 21.00 Saturday, 10.00 and 21.00 Sunday and bank holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
8. No development shall commence on Phase 1 until a scheme for the soundproofing of the Phase 1 building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the Phase 1 and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
9. No development of Phase 1 shall commence until a scheme for the fitting of odour control equipment to the Phase 1 building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the Phase 1 development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
10. No development of Phase 1 shall commence until a scheme for the sound insulation of the odour control equipment referred to in condition 9 set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the Phase 1 development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.



11. No development of Phase 1 shall commence until a scheme for the suitable treatment of all plant and machinery of the Phase 1 development 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 development and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. No vehicular movements to the Phase 1 building including any loading or unloading of vehicles shall take place on the site except between the hours of 08.00 to 19.00 Monday to Friday and 09.00 to 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.  
**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.
13. No development of Phase 1 shall take place until details of external lighting for the Phase 1 development have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details prior to first occupation of the Phase 1 development and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
14. The Phase 1 building shall only be used for D1 education 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.
15. No development of Phase 1 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the landscaping of the Phase 1 development, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
16. All planting, seeding or turfing comprised in the approved scheme of

landscaping required by condition 15 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.

17. No development of Phase 1 shall take place until samples of the materials of Phase 1 (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

18. No development of Phase 1 shall take place until samples of materials for all external windows and doors of the Phase 1 building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**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.

19. No development of Phase 1 shall be commenced unless and until a scheme for the provision of foul and surface water drainage for the Phase 1 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. The scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton and Hove Local Plan.

20. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings of the Phase 1 development shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

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

21. Noise associated with plant and machinery incorporated within the Phase

1 development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

22. No development of Phase 1 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

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 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.

**Reason:** To ensure the safe development of the site and to accord with policy SU11 of the Brighton & Hove Local Plan.

23. The development hereby approved shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 22c that any remediation scheme required and approved under the provisions of condition 22c has been implemented 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 photographs of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 22c.

**Reason:** To ensure the safe development of the site and to accord with policy SU11 of the Brighton & Hove Local Plan.

24. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material for the Phase 1 development.

**Reason:** To prevent pollution of controlled waters and to comply with



- policy SU3 of the Brighton & Hove Local Plan.
25. The method of construction for the Phase 1 development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development of Phase 1 commencing.  
**Reason:** To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
26. The method of piling foundations for the Phase 1 development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development of Phase 1 commencing. The development shall be carried out in strict accordance with the approved details.  
**Reason:** To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
27. Prior to the commencement of the Phase 1 development, plans, elevations and details of materials to be used in all gates, railing fences and other boundary treatments of the Phase 1 development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved drawings and details.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.
28. Prior to the commencement of Phase 1 development, plans, elevations and details of materials to be used in the bin and cycle parking areas and the substation of the Phase 1 development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved drawings and details.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD1 of the Brighton & Hove Local Plan.
29. No development of Phase 1 shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all levels of the Phase 1 development, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton and Hove Local Plan.
30. No development of Phase 1 shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

31. No development of Phase 1 shall take place until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work of the Phase 1 development in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

32. Notwithstanding the submitted plans, no development of Phase 1 shall commence until it has been agreed in writing with the Local Planning Authority, those areas of the roof terraces of the Phase 1 building which shall be utilised as seating/standing areas, those areas which shall be landscaped and those areas where access to the roof terraces shall be for maintenance or emergency purposes only. The scheme shall be implemented fully in accordance with the approved details and unless otherwise agreed in writing with the Local Planning Authority access to each roof area shall only be for the agreed use thereafter.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to ensure a satisfactory environment for future users of the roof terrace with regard to the microclimate and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

33. Notwithstanding the submitted plans, no development of Phase 1 shall commence until it has been agreed in writing with the Local Planning Authority, the exact location and height and materials (included those which will be obscure glazed and those which will be transparent) of all of the screens to the roof terrace areas of the Phase 1 building. 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:** In order to protect adjoining properties from overlooking and noise disturbance and to ensure a satisfactory environment for future users of the roof terrace with regard to the microclimate and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

34. No development of Phase 1 shall commence until the applicant has provided full written details of their investigation into the provision of a Combined Heat and Power System for the Phase 1 development (CHP). If the applicant is to install a Combined Heat and Power System (CHP), then full details of the plant room, fuel storage and external flues shall be

submitted and approved in writing by the Local Planning Authority. 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 sustainability of the development and to safeguard the visual appearance of the development in accordance with policies SU2, QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

35. No development of Phase 1 shall commence until full details of any externally fitted renewable energy technologies have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the sustainability of the development and to safeguard the visual appearance of the development in accordance with policies SU2, QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

## PHASE 2 DEVELOPMENT

36. The Phase 2 development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 37 below, whichever is the later.

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

37. a) Details of the reserved matters for Phase 2 set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (i) internal layout of buildings;
- (ii) appearance; and
- (iii) landscaping.

b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

38. No development of any building within Phase 2 shall take place until a scheme for the storage of refuse and recycling for that building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

39. Unless otherwise agreed in writing by the Local Planning Authority, no

residential development of Phase 2 development shall commence until:  
(a) evidence that the residential development of Phase 2 development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the Phase 2 development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and  
(b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the residential development of Phase 2 development will achieve Code level 3 for all residential units 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.

40. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units of Phase 2 hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit within Phase 2 has achieved a Code for Sustainable Homes rating of Code level 3 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.

41. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential building of Phase 2 shall commence until:

a) evidence that the building of the Phase 2 development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development of the Phase 2 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.

42. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved for Phase 2 shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built of Phase 2 has

achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' 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.

43. No development of Phase 2 shall take place until a written Site Waste Management Plan for the Phase 2 development, confirming how demolition and construction waste will be recovered and reused on the 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 WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

44. No development shall commence on Phase 2 until details of secure cycle parking facilities for the Phase 2 development which will accommodate a minimum of total of 28 cycle spaces for the student accommodation; 5 cycle spaces for the surgery; 80 cycle spaces for the residential, 49 cycle spaces for the youth hostel, 10 cycle spaces for the commercial building and 3 cycle spaces for the café, for use for the staff, residents and visitors to the Phase 2 development 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 2 development hereby permitted and shall thereafter be retained for use at all times.

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

45. No development shall commence on any building within Phase 2 until a scheme for the soundproofing of that building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the building and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

46. No development of any building within Phase 2 shall commence until a scheme for the fitting of odour control equipment to that building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the building and shall thereafter be retained as such.



- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
47. No development of any building within Phase 2 shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition 46 set out above has been submitted to and approved in writing by the Local Planning Authority for that building. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the 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.
48. No development of any building within Phase 2 shall commence until a scheme for the suitable treatment of all plant and machinery of that 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 that building and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
49. No delivery movements to the Phase 2 buildings including any loading or unloading of vehicles shall take place on the site except between the hours of 08.00 to 19.00 Monday to Friday and 09.00 to 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
50. No development of Phase 2 shall take place until details of external lighting for the Phase 2 development have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details prior to first occupation of the Phase 2 buildings and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
51. The Phase 2 employment /commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 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 in accordance with policies SU9,

- SU10 and QD27 of the Brighton & Hove Local Plan.
52. No intoxicating liquor shall be sold or supplied within the café of the Phase 2 development except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises.  
**Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
53. No development of Phase 2 shall be commenced unless and until a scheme for the provision of foul and surface water drainage for the Phase 2 development has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority there shall be no net increase in flows to the public sewer. The scheme shall be constructed and completed in accordance with the approved plans.  
**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton and Hove Local Plan.
54. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings of the Phase 2 development shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
55. Noise associated with plant and machinery incorporated within the Phase 2 development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
56. No development of Phase 2 shall commence until there has been submitted to and approved in writing by the Local Planning Authority:  
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 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.

**Reason:** To ensure the safe development of the site and to accord with policy SU11 of the Brighton & Hove Local Plan.

57. The development hereby approved shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of condition 56c that any remediation scheme required and approved under the provisions of condition 56c has been implemented 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 photographs of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 56c.

**Reason:** To ensure the safe development of the site and to accord with policy SU11 of the Brighton & Hove Local Plan.

58. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material for the Phase 2 development.

**Reason:** To prevent pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

59. The method of piling foundations for the Phase 2 development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development of Phase 2 commencing. The development shall be carried out in strict accordance with the approved details.

**Reason:** To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

60. No development of Phase 2 shall commence until nature conservation enhancement details has been submitted to and approved by the Local Planning Authority for the Phase 2 development. 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 the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

61. No development of Phase 2 shall take place until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work of the Phase 2 development in accordance with written details which have been

submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

62. No development of Phase 2 shall take place until an accessibility statement has been submitted to and approved in writing by the Local Planning Authority. This would need to look at the layout and accessibility of the whole of the site including the public square as well as the accessibility of individual buildings. The Phase 2 development shall be implemented fully in accordance with the details contained within the Accessibility Statement and retained as such thereafter.

**Reason:** To ensure effective accessibility to the development and to comply with policies QD2 and HO13 of the Brighton & Hove Local Plan.

63. No development shall commence on Phase 2 until details of disabled car parking facilities for the Phase 2 development which will accommodate a minimum of; 28 disabled car parking spaces for the student accommodation; 3 disabled car parking spaces for the youth hostel; and 6 spaces for the residential accommodation for use for the staff, residents and visitors to the Phase 2 development have been submitted to and approved in writing by the Local Planning Authority. The residential disabled parking spaces shall be provided in the 2 car parks which are located to the east of Pelham Street. These facilities shall be fully implemented and made available for use prior to the occupation of any part of the Phase 2 development hereby permitted unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be retained for use at all times.

**Reason:** to ensure effective accessibility to the development and to comply with policies QD2 and HO13 of the Brighton & Hove Local Plan.

64. The Phase 2 development shall not be brought into use until the means of vehicular access from Trafalgar Court and Pelham Street has been constructed and laid out entirely in accordance with details which will have been submitted to and approved in writing by the Local Planning Authority prior to the Phase 2 development commencing.

**Reason:** To ensure the satisfactory access to the development and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

65. The Phase 2 development shall not be brought into use until the pedestrian access from York Place to Pelham Street has been constructed and laid out entirely in accordance with the details which will have been submitted to and approved in writing by the Local Planning Authority prior to the Phase 2 development commencing.

**Reason:** To ensure the satisfactory access to the development and to

- comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
66. The Phase 2 development shall not be brought into use unless and until not less than 97 car parking spaces (including the disabled parking spaces required by condition 64) have been marked out and provided within the curtilage of the site. Such spaces shall be made available for the parking of cars at all times the premises are in use.  
**Reason:** To ensure satisfactory parking to the development and to comply with policies TR1, TR7 and TR19 of the Brighton & Hove Local Plan.
67. No demolition of York or Trafalgar buildings and their associated extensions, shall take place unless a programme of building survey and recording of York or Trafalgar buildings and their associated extensions, has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of the Phase 2 development.  
**Reason:** To ensure the satisfactory recording of these buildings and to comply with policy QD1 and QD2 of the Brighton & Hove Local Plan.
68. No Phase 2 development shall commence until a scheme showing the exact area of any roof terraces and their proposed use of the Phase 2 buildings has been submitted to and approved in writing the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and the visual appearance of the development and to comply with policies QD1, QD2 and SU10 and QD27 of the Brighton & Hove Local Plan.
69. The reserved matters application shall provide details which demonstrate how the Phase 2 pharmacy shall be ancillary to the Phase 2 doctor's surgery and health centre.  
**Reason:** For the avoidance of doubt with regard to the retail impact of A1 use, and to comply with policies SR2 of the Brighton & Hove Local Plan.
70. The Phase 2 café shall not be open to customers except between the hours of 08.00 to 21.00 Monday to Saturday and 09.00 to 20.00 on a Sunday.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
71. No development of any building within Phase 2 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 that building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development of each building shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
72. The student accommodation section of the Phase 2 building shall be used as student halls of residence only under use class C1 and for no other purpose (including any other purpose in Class C1 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 infrastructure and amenities of the area and the education aspirations for the City and to comply with policies SU15, QD28 HO20 and QD27 of the Brighton & Hove Local Plan.

73. 10% of the residential units of the Phase 2 shall be constructed to be 'Wheelchair Accessible' standards and all of the residential units of the Phase 2 units shall constructed to 'Lifetime Homes' standards to the satisfaction of the Local Planning Authority.

**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.

Informatives:

1. This decision is based on drawing nos. (00)APP211A, (00)ASP201B, (00)AEP202B, (00)AEP204B, (00)AE003B, (00)AE103B, (00)AE001D, (00)AE004D, (00)AE104B, (00)AE002B, (90)L101B, (00)AP000E, (00)010B, (00)AP105A, (00)AS001E, (00)002E submitted on 27/08/2008 (00)AS003, (00)AS004 submitted on 22/09/2008, P220, P221 submitted on 27/01/2009, P022A, PO34 submitted on 16/02/2009, P004A, P005A, P006A, P007A, P010A, PO11A, PO12A, PO15A, P20A, PO31A, PO33A, PO35A, PO201A, PO202, PO203, P204A, PO205A, PO206A, PO206A, PO207A, PO208A submitted on 20/02/2009, and PO32B submitted on 23/02/2009.
2. This decision to grant Full Planning Permission for Phase 1 and Outline Planning Permission for Phase 2 has been taken having regard national and regional policies and guidance, to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and Brighton & Hove Local Plan set out below, and to Supplementary Planning Guidance and Supplementary planning Documents and Government Guidance as set out below:

Planning Policy Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres
PPS10	Planning for Sustainable Waste Management
PPS22	Renewable energy
PPS23	Planning and Pollution control

Planning Policy Guidance Notes

PPG4	Industrial and Commercial Development and Small Firms
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPG24	Planning and Noise

Regional Planning Guidance for the South East

RPG9	Regional Planning Guidance for the South East 2001
Q1	Urban areas – prime focus for new development
Q6	Health, education and other social considerations and infrastructure requirements
E7	Pollution control and air pollution
RE1	Regional Economy
RE2	Job Opportunities
RE4	Business and Sustainable Development
RE5	Employment land resources
RE7	Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove
RE11	Tourism, Arts and Culture
H4	Dwelling types and sizes and affordable housing
H5	Increasing housing development in urban areas
T1	Minimising the distance people need to travel
T2	Travel awareness and travel plans
T3	Parking standards
T4	Walking and cycling
T5	Public Transport
INF4	Energy conservation and renewable energy.

Draft South East Plan Core Document

CC1	Sustainable Development
CC2	Climate Change
CC3	Resource Use
CC4	Sustainable Construction
CC12	Character of the Environment and Quality of Life

East Sussex and Brighton and Hove Structure Plan 1991-2011

S1	Twenty One Criteria for the 21 <sup>st</sup> Century.
TR1	Integrated Transport and Environment Strategy
TR3	Accessibility
TR16	Parking standards for development
EN1	Environment General
EN28	Renewable Energy Generation
LT1	Leisure and Tourism
LT2	Leisure and Tourism

Brighton and Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards

## PLANS LIST – 18<sup>TH</sup> MARCH 2009

SU1	Environmental impact assessment
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM4	New business and industrial uses on unidentified sites
SR2	New retail development beyond the edge of existing established shopping centres.
SR12	Large use class A3 (restaurants and cafes and Use Class A4 (pubs and bars)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
<u>Supplementary Planning Documents</u>	
SPD 03	Construction and Demolition Waste
SPD 06	Trees and Development Sites

SPD 08 Sustainable Building Design  
SPD 09 Nature Conservation and Development (Draft)  
Supplementary Planning Guidance Notes  
SPG BH4 Parking Standards  
SPG BH15 Tall Buildings

i) for the following reasons:

Subject to the 106 requirement that 10,000 sq. meters of education floorspace must be secured by the City College prior to development of Phase 2 commences, it is considered that the release of part of the site to alternative uses other than educational is acceptable and would not jeopardise future education provision to the site. It is considered that the mix of uses is appropriate to this City centre site and the provision of the public square will be of benefit to the area. A contemporary landmark educational building will be provided.

It is considered that the design of the Phase 1 building will be of benefit to the immediate streetscenes and the scale and layout of the Phase 2 buildings is appropriate and would benefit the character and appearance of the area. The Phase 1 building would have an adverse impact on shorter views from the North Laine Conservation Area, however, the proposals will be of benefit to some longer views from and within the North Laine and Valley Gardens Conservation Areas. It is therefore considered that the impact on the character and appearance of the conservation areas is, on balance, acceptable. Whilst the proposal will adversely impact on the setting of St. Bartholomew's Church when viewed from Whitecross Street, this is not considered to be an important strategic view. The demolition of Pelham Tower, along with the new development would enhance a number of keys views of listed buildings (St. Bartholomew's and St. Peter's Church). The impact of the scheme of the setting of listed buildings is therefore considered to be acceptable.

The proposal would have an adverse impact on daylight to seven main windows of Trafalgar Street properties. The three storey podium of the Phase 1 development would appear as an over-bearing feature when viewed from the gardens of properties on Whitecross Street. However, it is considered that the levels of the residential amenity of properties on York Place will increase as a result of the proposal. Therefore, on balance it is considered that the impact on neighbouring amenity is acceptable given the benefits of the scheme. It is considered that the amenity levels of future residents/occupiers of the proposed scheme will be acceptable. Subject to the requirement of an Environmental Construction Management Plan through the Section 106 Agreement, any adverse impacts arising from the demolition and construction period can be adequately controlled.

Subject to controls for car parking and cycle parking along with highway improvement works, it is considered that the proposal would not

jeopardise highway safety. A number of pedestrian routes within and around the site will be provided/improved. With regard to sustainability, the Phase 1 will achieve a BREEAM rating of 'Excellent' and the Phase 2 buildings can be controlled to meet the relevant standards.

3. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org) and [www.breeam.org/ecohomes](http://www.breeam.org/ecohomes)). 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](http://www.brighton-hove.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brightonhove.gov.uk](http://www.brightonhove.gov.uk)).
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
7. 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](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
8. This planning consent does not grant planning permission for a change of use to the Gloucester Building, as the applicant would need to make a separate planning application.



9. The applicant is advised that details of Wheelchair Accessible standards and Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brightonhove.gov.uk](http://www.brightonhove.gov.uk)).

### **3 THE SITE**

The application site comprises a 1.32 hectare site which contains Pelham Tower, Cheapside, York, Trafalgar and Gloucester buildings. Pelham Street is also included within the application site. The site is in use by City College for educational purposes.

The site is bordered by Whitecross Street to the west and Cheapside to the north. Adjacent to the site to the east are properties fronting York Place (1 – 31 York Place and St. Peter's House). Adjacent to the site to the south are properties fronting Whitecross Street (1-2), Trafalgar Street (87 – 102), Pelham Street (1 -2) and Trafalgar Court (1-6).

Pelham Tower is a 1960's block which is 11 storeys with a maximum height of 44.4 metres. A two storey podium exists around the base of the tower which measures approximately 51 metres by 56 metres. Pelham Tower is accessed through a glazed entrance directly from Pelham Street. The exterior is poor quality red stock brick with steel window frames and a flat roof.

To the east of Pelham Street are Cheapside, York, Trafalgar and Gloucester buildings. York, Trafalgar and Gloucester buildings are Victorian in age and of varying heights and styles.

Gloucester building is in the south eastern corner of the site and is within the North Laine Conservation Area. This is a smaller School Board building which was probably the original elementary school of 1870. The body of the building is two storeys high but the gable end is three storeys. The building is sited at the end of Trafalgar Court.

Trafalgar Building is a 1870s School Board building of three storeys, constructed with brick at the lower floors and with a pebbledash upper storey and has a slate roof. On the front elevation are original sash windows, doors and wrought iron railings. There is an adjoining Dutch gabled extension at the northern end which is aligned east to west along the north face of Trafalgar. A modern glass foyer links this building to the Cheapside building. Following bomb damage during World War II Trafalgar was repaired with changes to the roof and top floor.

York building is sited to the east of Trafalgar building and is a four storey brick building of stock brick with red brick detailing on the eastern façade. The eastern façade is detailed with three main bays with iron finials at the apex of each hipped triangular gable. The building has a double pitched roof. The western façade is simpler with three pointed gables. The southern elevation

is faced with poor quality concrete.

Cheapside building is present on the corner of Cheapside and Pelham Street and is L shaped and has three storeys. There is an additional attic storey along the north-south wing. The building is red brick with a moulded stone cornice at the top of the ground floor. It is otherwise much simpler and less decorative than the other school buildings. There is a vehicular entrance archway within the building on the Cheapside frontage.

An arched entranceway of brick with limestone spacers is present at 15 York Place. It has three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The archway has an ornate gate preventing access. The archway is outside the ownership of the City College, however they do have a private right of access through the archway.

To the south of Pelham Tower is a surface car park which accommodates 118 car parking spaces of which 3 are disabled spaces. These are currently utilised by staff of the City College.

Gloucester building is the only building which falls within a conservation area. Directly adjacent to the south of the site is the North Laine Conservation area and bordering the site to the east is the Valley Gardens Conservation Area. The archway on York Place is within the Valley Gardens Conservation Area.

The site is in a highly accessible sustainable location and is approximately 400 metres from Brighton Station.

#### **4 RELEVANT HISTORY**

##### **Wilson Avenue**

**BH2008/03161:** Erection of 2 storey educational building for motor vehicles courses. Is currently under consideration.

**BH2008/02492:** Conservation Area Consent for the part demolition of wall. Is currently under consideration.

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

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

**BH2003/02897/FP:** Installation of fence around College car park. Approved

16/10/2003.

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

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

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

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

**BH2000/00128/FP:** Construction of new three-storey teaching facilities on site of existing surface car park (Pelham Street West) with link to existing main college building (Pelham Tower) and, via first floor bridge link over Pelham Street, with Trafalgar and Cheapside Buildings, together with hard and soft landscaping to new college square and remaining car park. Demolition of York Building and Library and various other single storey structures on Pelham Street east site and construction of 1 and 1 1/2 storey workshops for College use and 13 live/work units, change of use of Gloucester Building to form 2 no. residential studios and refurbishment of remaining College buildings. Approved 10/10/2000.

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

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

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

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

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

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

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

## 5 THE APPLICATION

It is proposed to demolish Pelham Tower, Cheapside, Trafalgar and York buildings. The Gloucester building which is within the North Laine Conservation Area will remain.

This application is for outline planning permission with certain reserved matter approved. Full details have been submitted for the main educational building (Phase 1 building) and an outline application for the remainder of the application site (Phase 2). Phase 2 comprises a mixed use scheme for

commercial, residential, student accommodation, youth hostel, café and additional educational floorspace. In addition a public square is also proposed as part of Phase 2. Matters to be considered as part of the Phase 2 proposals include the overall layout, scale and access. External appearance, internal layouts and landscaping considerations would form a subsequent reserved matters application.

### **Phase 1**

The Phase 1 building would accommodate 14, 237sq.m of internal education floorspace (D1), with outdoor terrace areas at the third and fifth floors. This building would be 9 storeys at its highest point and would sit on a three storey podium which would be sited on the area of the site currently used as a car park.

The Phase 1 building would form the main facility for City College at their Pelham Street site. The building would provide the following accommodation:

#### *Basement:*

- Service yard with bin store and delivery room;
- Plant rooms;
- Changing rooms;
- ICT support offices, estates office, post room and storage space for archives;
- Laundry room.

#### *Ground floor:*

- Main entrances to the building are located on the south facing elevation, accessed from Trafalgar Street via Redcross Street and on the north facing elevation accessed from the proposed public square;
- Lower floor of lecture theatre;
- Hair salon and nail bar;
- Drama and dance studio;
- Student services, first aid room and multifaith room;
- Meetings rooms and management offices;
- Reception, and enrolment and finance offices.

#### *First floor:*

- Upper floor of lecture theatre;
- Drama and dance studio;
- Music suites and production rooms;
- Photographic studios and dark and finish rooms;
- Art staff offices;
- Media studio;
- Computer points for digital and games studies;
- In the centre of the floor would exist a circular void over the ground floor piazza.

*Second floor:*

- 14 art studios;
- Textiles studio, print workshop, ceramic studio and woodmetal/plastic workshop;
- In the centre of the floor would exist a circular void over the ground floor piazza.

*Third floor*

- Training kitchen, production kitchen, refectory kitchen and pastry kitchen;
- Restaurant and bistro;
- Outdoor terraced areas;
- In the centre of the floor would exist a circular void over the ground floor piazza.

*Fourth floor:*

- Study areas;
- Staff offices;
- Learning support teaching space;
- In the centre of the floor would exist a circular void over the ground floor piazza.

*Fifth floor*

- Teaching space for learners with learning difficulties and/or disabilities (LLDD) and staff offices;
- Travel, catering and ALN teaching space
- Outdoor terraced area.

*Sixth floor*

- Staff offices;
- Training areas;
- Sauna/steam room.

*Seventh floor*

- Business and travel staff offices and meeting rooms;
- Travel and business teaching space.

*Eighth floor*

- Call centre;
- Business teaching space;
- Staff offices and meeting rooms.

A plant room would be within the roofspace above the eighth floor.

The three storey plinth of the building would have a width of 58 metres on its southern facing elevation with the Pelham Street frontages and Whitecross frontages having a length of 39.4 metres and 40 metres respectively. The



northern facing elevation would have a width of 53 metres.

On top of the three storey plinth the rest of the building will consist of a two storey curved section of building with a roof terraced area above, and a four storey section of the building (seven storeys in total) on the northern elevation and a six storey section of the building (nine storeys in total height) on the western section of the building which fronts Whitecross Street.

An area dedicated to covered cycle parking is to the north of the Phase 1 building at the ground floor adjacent to the north eastern corner.

A tall building statement accompanies the submission for the Phase 1 building.

## **Phase 2**

The outline application for Phase 2 proposes to demolish Pelham Tower, Cheapside, York and Trafalgar buildings, and proposes a mixed use scheme with the following buildings:

### *Educational building*

This is a part three part five storey building which would accommodate 2,311 sq. metres of internal floor area. The building is located to the north of the Phase 1 building fronting onto Whitecross Street. The tallest part of the building would be 17.95m.

### *Youth hostel/student halls of residence*

This building is located to the north of the public square and fronts onto Cheapside. The building is mainly five storeys, however due to the sloping nature of the site the building steps down in height in an easterly direction. The eastern most corner of the building would be three storeys. The building would accommodate 2516 sq metres of internal floorspace. The highest point of the building would be 16.4 metres in height.

### *Café*

A two storey building is located to the east of the proposed public square and to the west of Pelham Street. This building would be semi-circular in shape and would provide 396 sq. metres of internal floor area. The highest point of the building would be 8 metres. A roof terraced area is also proposed on top of the first floor.

### *Public square/car parking*

Basement parking is proposed below the public square, and the phase 2 educational and youth hostel/student accommodation buildings. This would provide 72 parking spaces. The car parking would be accessed via Pelham Street. Due to the difference in levels on the site, the public square would be at ground level when accessed from Cheapside/Whitecross Street, however would be at a higher than ground level when accessed from Pelham Street,

and steps would need to be installed to provide access.

*Affordable housing/ GP clinic (residential building 1)*

In the north eastern section of the site a building is proposed which would be five storeys fronting onto Pelham Street, with the fourth floor set back from the front, side and rear building lines. On the Cheapside frontage this building would be three storeys at the most eastern point rising to 5 storeys at the most western point. The internal layout is not being considered at this stage although the applicant has indicated that 28 residential units would be provided. 24 of these would be offered for affordable housing. The highest part of the building would be 16.4 metres. There would be a shared roof terrace at the fourth floor.

To the rear (east) of the building a car park is proposed which would provide 10 parking spaces for the GP surgery. The building would provide 1071 sq. metres of accommodation for the GP surgery and pharmacy.

*Residential building 2*

To the south of the affordable housing/GP surgery building a private residential building is proposed which is split into 2 main buildings. One building would front Pelham Street and would be 5 storeys with the fourth floor set back from the front, side and rear elevations. The highest point of the building would be 16.4 metres.

The second section of the building would be two storey and would front the new pedestrian route from York Place. This would be a maximum height of 9.1 metres. A shared amenity area is proposed to the rear of these 2 blocks. The applicant has indicated that 22 residential units would be provided.

*Commercial building*

The commercial building is an 'L shaped' building and would be four storeys in height on the Pelham Street frontage. The section of the building which is to the south of the passageway from York Place would be part four storey and part three storey. The highest point of this building would be 14.45 metres.

The building would provide 1462 sq. metres of internal floorspace for commercial use. A car park is located beneath the building at the ground floor with the car park entrance being accessed via Trafalgar Court with the egress point being located on Pelham Street. The parking would provide 15 spaces.

*Residential building 3*

A third residential building is proposed to the rear of the commercial building in the south eastern section of the site which would be accessed via Trafalgar Court to the south, or the passageway from York Place to the north. This will be two storey with the highest point of the building being 7.1 metres. The applicant has indicated that 7 dwellings will be provided within this block.

*Gloucester building*

No external alterations or change of use are proposed to Gloucester building as part of this application. The applicant has indicated that the use would be changed to residential, however, this would have to be part of a subsequent application since outline approvals cannot be granted for changes of use. The applicant has indicated that they intend to provide 3 residential units in this building.

**Environmental Statement**

An Environmental Statement (E.S.) has been submitted with the application in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A formal scoping opinion on the content of the ES was issued by the LPA in March 2008.

The ES provides a description of the scheme and alternatives, and an assessment of the likely environmental impacts of the development. A Non Technical Summary was also submitted as required by the Regulations.

**6 CONSULTATIONS**

**External:**

**Neighbours:** Twelve standard letters of support have been received from the residents of **13 Surrenden Holt, 26 Highdown Road, 62 Redhill Drive, 132 Ladysmith Road, 69 Dean Gardens, Flat 7 Riveria Court, 13 Lansdown Place, 30 St.Keyna Avenue, Hove, 8 Gannon Road, Worthing, The Coach House, Priory Road, Bilsington, Kent and Downlea, The Avenue, Kingston, Ditchlings, Harborough Hill, West Sussex.** The residents support the proposal on the following grounds:

- Fit for purpose flexible teaching areas;
- Dedicated social spaces for staff and students including outside spaces;
- Modern and aspiring facilities;
- Improved welfare facilities;
- A theatre that can be used for a number of events;
- Industry standard training and assessment areas;
- Learners will engage and serve the public in the student run Nail Bar and Beauty salon;
- New building would greatly benefit not just staff and students but also the local community.

A representation has been received from the resident of **2 Whitecross Street**, which raises the following objections:

- The scale of the whole development and the very close proximity of this development to their property;
- The wall running east-west adjacent to their property and garden which will cause loss of sunlight and daylight to both their garden and rear windows;

- The additional effect of the loss of sunlight and daylight will have on them as a disabled person with a visual disability;
- The roof terraces adjacent to their property, especially the lower one, which will cause a loss of privacy and disturbance;
- The balconies will overlook their property;
- The disturbance that will be caused by the proximity of the construction works;
- Their property has not been included within the daylight and sunlight assessment.

After additional consultation following the submission of amended plans a further representation has been received from the resident of 2 Whitecross Street which reiterates their original objections. Welcome the removal of some of third floor roof terrace, but still consider that the scale of the proposed development and its extreme closeness to their property would make it oppressive and wholly unacceptable.

Two representations have been received from the residents of **Flat 1 and Flat 2 87 Trafalgar Street** which raise the following objections

- The tall building will back directly onto the rear windows of the flat, having direct views into bedroom windows and blocking current views and light from them;
- The noise disruption that this will cause to the residents of the flat who need essential sleep during the day due to working nights will be a hindrance.

A representation as been received from the occupier of **100 Trafalgar Street** (A1 retail unit) which raises the following objections:

- Object to the proposal to make Trafalgar Street two way on the grounds that the street is too narrow to allow two way traffic, especially given the high number of large delivery vehicles which park on this section to unload;
- There is already an issue of pedestrian safety as vehicles are forced to mount the pavement to get round each other, the safety issue would be exacerbated hugely if the street were made 2 way;
- The resulting increase in traffic flow, possibly including large vehicles and lorries, would have a detrimental impact on the character of the street and would deter people from visiting the unique independent pubs and shops which exist here.
- The street is already affected by social problems caused by street drinkers and drug users and it is nobody's interest to 'ghetto-ise' it further.

**North Laine Community Association:** Support the redevelopment of the College, but had various reservations. Realise the need for a new purpose built college to provide vocational training for adults and young people and that this needs to be done now whilst there is the funding available from the

Government through the Learning and Skills Council.

The main building to be built on the present car park, adjoining the boundary of the conservation area, is too dense and too high. Ideally it would be better if the new building was built where the current tower is now but we understand the College's difficulties of realising this.

The current roof and streetline to the east side of Pelham Street should be maintained and respect the nearby St Bartholomew's. Realise the College need to sell these buildings to finance Phase 2 of the development. Express concern over assurances that the outline permission would be respected and Phase 2 built and whether guarantees could be put in place to ensure this would happen, either through conditions or a section 106 agreement. Would not want the tower to be demolished and then the resultant space to be left empty through lack of finance, nor would we want a development out of scale with the outline.

There is the issue of Pelham Street being closed to all but access and emergency traffic. Seek guarantees that any new residential units have their own parking spaces and not be issued with parking permits for the area which includes North Laine.

**CAG:** Welcome the demolition of the existing Pelham Tower and the positive effect that this will have on the setting of the Valley Garden's Conservation Area and St. Peter's Church and views across the valley. Expressed concern that the plans did not include the retention and conversion of more of the existing college buildings fronting Pelham Street and Street Cheapside and sought an assurance that any consent for Phase 1 would be conditional on the later demolition of the tower within a prescribed period of time. The group would have liked to have seen a 3D model of the development, and were critical of the density of the Phase 1 development. They found the design disappointing and overbearing. The design was considered to be too simplistic in its concept with an arbitrary elevational treatment that related poorly to its near surroundings.

The group recommend a major modification of this scheme, including a reduction in height and volume to respond to the North Laine Conservation Area.

**Environment Agency:** Have no objections in principle subject to conditions to require the following:

- Groundwater protection and preliminary risk assessment;
- Contamination site investigation, options appraisal and remediation strategy and completion of works and verification report;
- Surface water drainage scheme;
- Agreement of piling or other foundation designs.



**Sussex Police:** No objections to the proposal. The location is a medium/high risk crime area, with particular problems relating to street drinking, drugs, graffiti and criminal damage. In close proximity to this site are facilities for drug and alcohol rehabilitation.

There will be fewer problems during daylight hours when the area will be busy and opportunities for crime/disorder will be low, however, after dark we would have a totally different scenario. Therefore suggest that some of the routes should be gated at dusk. This has been done close by at Brunswick Row very successfully and as a result residents now suffer from zero crime/nuisance. Note that some of the open spaces are already being gated, so the problem may have been identified. Suggest that the pedestrian route from York Place, Trafalgar Court, Red Cross Street and the access/egress in the north west corner be considered for gating.

Make recommendations for security of the Phase 1 building which includes biometrics ID schemes, ensuring that entrance doors and glazing doors conform to BS standards, intercoms and CCTV.

Recommend that a contribution is sought as part of section 106 agreement towards police infrastructure resources. Both residential and commercial development may require contributions towards crime prevention initiatives with the level of contributions based on both the cost of implementation and subsequent operation and monitoring relating to additional officers and equipment. Police Forces in the South East have indicated a justification and based their assessment for securing developer contributions due to the expected increase in development of new dwellings to be built in the area and the total growth in population according to the draft South East Plan area 2006 – 2026. A contribution of £34,017 is sought which is based on 87 dwellings x £391.

**English Heritage:** The elevations of the Phase 1 building appear livelier than was previously understood. Having said that, still believe improvements can be made. While the proposal positively removes a poorly designed tall building on the site, the main new college block is still rather bulky when viewed from south approaches as we indicated previously. At close quarters this is mitigated by the varied elevation elements but further changes would benefit the scheme's relationship to the streets surrounding the site.

Bringing the bulkier building on the site south clearly impacts more on the Conservation Area and views from it. This is partly drawn attention to/by the lower horizontal floors which admittedly do curve using coloured glazing. While interesting, this can only be read at close quarters, whereas at distance (e.g. view G Sydney St), a more clearly defined 'vertical' at the point of curve through to the upper floors (taking the taller component visually down to ground floor) would aid breaking down the visual elements to relate more to vertical rhythms, more akin to the nature of the surrounding streets.

The views of St Bartholomews Church from streets to the south would be

improved if; in the Pelham Street view - the curved segment café building were set back at first floor onto the street this could create a balcony but also add more interest to the inner square too by stepping the floors. In Whitecross St – the view of the church gable is lost via the northern edge block – a visual link block between the frontage buildings and the new would also ease the 'step change' of scale here. View D. From the proposed layout, the NW edge taller block appears to have the ability to move east and south – this should be considered.

While our earlier concerns regarding the potential impact on views of St Peters Church from the SW, Grand Parade area, appear to be addressed – the proposed blocks on the eastern side of Pelham Street in the scheme (e.g. and replacing the earlier 20<sup>th</sup> C traditional pitched roof building) would appear to create an unrelenting continuous level slab line over the existing roof forms of the terraces. It is agreed that this would have a harmful affect on views to the York Place terraces from St Peters Place and views from the Level, also perhaps across from the north side of St Peters Church, looking west. The proposal view L along St Peters Place would seem rather selective in this respect.

The area and relationship of the buildings to the north side of the open space could be improved, the space on the NW corner access to the site appears unresolved - a 'square' with some activity on the edges of the east and north blocks perhaps – how will/ does this relate to development on the corner of Cheapside? There is also a wide space north of the proposed main college building which might be better used relative to the central space?

The dance studio on the SE corner of the main block could be a visually stronger element of the street corner interest. Given its rather tentative projection, it will be reliant on impeccable weather detailing at its abutments.

Finally, we consider that the scheme's interest currently lies with the new main building and this will rely on quality detailing and definition of the various parts of the scheme rather than strong articulation and modelling, this will require much attention to detail, colour, glazing and, maintenance.

We would strongly urge you to consider the above carefully in your deliberations on this scheme. We are content that the proposals are considered using the design and conservation advice of your officers, taking into account our comments. There is no need to consult English Heritage further.

**Highways Agency:** No objections to the proposal.

**County Archaeologist:** The proposed development is within an archaeological sensitive area, designated because it is an area of Prehistoric, Romano-British and medieval activity including settlement and burial. The site does appear to have been greatly impacted by modern development,

including areas of deep basements. The statement does however highlight that there are possible pockets of undisturbed land surviving, which may contain archaeological deposits.

In light of the potential archaeological significance of this site, the area affected by the proposals should be the subject of a programme of archaeological works to comprise of a written scheme of investigation and archaeological watching brief. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the advice given in PPG16.

It is expected that the written scheme of investigation will confirm the action to be taken and accord with the relevant documents/guidance.

**Brighton & Hove Archaeological Society:** Believe that the ancient and prehistoric archaeological would have been destroyed during the construction of Pelham House and its associated buildings. However, there may be buildings about to be destroyed that are listed or of historic interest requiring some form of recording. This would require specialists in historic buildings to be contacted for their recommendation.

**Southern Water:** There is inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result.

However, it is possible that by removing some of the existing surface water entering the sewer, additional flows could be accommodated, i.e. no net increase in flows. The developer can also investigate alternative means for surface water disposal, considering either discharge to an available watercourse or discharge to soakaways.

If the applicant wishes to investigate the above, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey. As an alternative to this, the developer can provide additional off site sewers, or improvements to sewers can be provided to service the development.

Recommend the following conditions to require the following:

- Details of the proposed means of foul sewerage disposal to be approved in writing by the Local Planning Authority in consultation with southern water.
- Details of the proposed means of surface water disposal to be approved

in writing by the Local Planning Authority in consultation with southern water.

**EDF Energy Networks:** No objections to the proposal.

**Natural England:** The application has many opportunities to provide a significant contribution to the green infrastructure of the City as an integral part of the design. Support the mitigation proposals including replacement planting of native species to provide suitable foraging and nesting habitat for birds, invertebrates and bats and a range of roof gardens. Consideration should also be given to green walls. The incorporation of bird and bat boxes will also make a valuable contribution to enhance the biodiversity of the site.

**Primary Care Trust:** Supportive of the inclusion of space for a primary care health centre. Would be looking to relocate at least one of the GP surgeries in the immediate neighbourhood, in particular St Peters Medical Centre from Oxford Street, and Dr Nalletamby. Final support would be subject to design and affordability which at this early stage have not been discussed, but the principle is agreed.

**East Sussex Fire Service:** No objections to the proposal.

**Internal:**

**Planning Policy:**

Summary

The aim to improve the educational space and buildings, routes through and around the site for pedestrians, the proposed community/medical facilities and the creation of new open spaces is welcomed. It is recognised the college contributes not only to the educational offer but also to the social, cultural and economic success of the city and wider region.

The general principle of phase 1 is felt to be acceptable subject to design, sustainability and transport considerations. However there are planning policy concerns relating to the phase 2 elements. These concerns relate to:

- The partial loss of a D1 site unless it is clearly demonstrated the current and future needs of the college can be met and that this proposal can be suitably linked to the proposed relocation of some of the educational provision off-site.
- The extent of 'enabling development' and particularly the amount of housing including student accommodation proposed on part of the site - unless there is a robust financial case and evidence to demonstrate how the requirements of HO6 will be met. This may need consideration to a reduction in the residential units and/or the on-site provision of open space specifically for recreation/sport (in exceptional circumstances indoor provision could be made. If the open space requirement cannot be met in full on-site then the shortfall should be addressed via a financial contribution toward off-site improvements/provision).

Main comments

The intensification of sites is supported by national, regional and local planning policy subject to the provision of appropriate infrastructure. The general principle of this proposal is supported and accords with the College's intention to have two main campuses, one at Pelham Street and a new one at Falmer, with eastern and western out-reach sites. (The Planning Statement is confusing however because it also appears to indicate there could be significant college provision at Wilson Avenue). It should be noted that a Development Brief entitled "Pelham Street: Knowledge Quarter" has been prepared (and approved) for the site by the council. There is also a similar document entitled 'Planning Strategy Framework – City College at the Stadium'. Whilst these documents are a material consideration they do not hold significant weight.

It is recognised that whilst the Pelham site is well located for a college site it is equally a sustainable location for a range of uses and has high land value potential. It is therefore acknowledged there are significant advantages to the College operations to release some of this 'potential' to help fund significant College improvements. The relocation/provision of College facilities (health, public services, care and construction) at Falmer have merit for the reasons set out by the applicant and would be accessible via train and bus. A split campus between Pelham and Falmer therefore has merit. However there appears to be some uncertainty over the location of some courses/facilities making it hard to judge compliance with HO20 and how this proposal fits with the medium/long term educational needs of the city. In addition to this there is no certainty when the Falmer site will be provided. Without a method to link this scheme, especially phase 2, to the future provision of college facilities at Falmer (and elsewhere if applicable) this proposal will not be able to demonstrate compliance with HO20.

#### Educational Needs

Policy HO20 is not limited to the retention of existing 'floorspace' and therefore applies to the 'site'. Having regard to a 'site' instead of just floorspace ensures greater flexibility in meeting current and future community facility demands. Indeed this application demonstrates the 'floorspace' improvements that can be achieved via site redevelopment (e.g. new building more flexible, fit for purpose and reduces on wasted corridor space). Care therefore needs to be taken when considering proposals for the partial loss of a community facility site. Policy HO20 seeks to ensure 'new' facilities remain available on similar terms and that they are equal to, or better than, the existing facilities. Whilst the proposed facilities will be more appropriate to their purpose it is not clear that the location and extent of provision is adequate and thus 'equal to or better than' existing.

The location of this site is felt to be very sustainable for a further education college and easily accessible from most locations within the city and surrounding areas via sustainable transport means. There is therefore a need for the college strategy to clearly set out the reasoning for the loss of space from this site to other sites, the implications for student and staff travel



and the financial case as to why this is felt to be the most appropriate and sustainable proposal.

There is no certainty over the future college provision at Falmer and the approach proposed by the college is unclear over the future provision of Horticulture and engineering/motor vehicle courses which are currently provided by the college (former may go to Plumpton and the latter to Wilson Avenue). The proposed approach also appears to fail to provide appropriate space for student sport participation, the current lack of which was apparently an issue picked up in the Ofsted report. This should be resolved and appropriate links between this and the 'other' necessary proposals put in place before the partial loss of this site can be justified (policy HO20 and the duty placed on planning authorities to help create sustainable communities).

The planning statement makes it clear that the numbers of students is set to increase. The supporting and planning statement indicate that the increase will rise from the current 6395 students to 7755 students by 2013/14. The later submitted 'Addendum Informative' indicates that if the LSC forecasting models are used the total number of students (FTE's only) expected for the academic year 2013/2014 is 5,847 however there is no reason to assume this alters the college requirements for 2014. The addendum does not give an indication of the post 2014 requirements. The Development Brief, which was based on information from the College, notes that the recent trends at the college show a year on year increase in the 16 -19 year old students numbers, with numbers more than doubling over the past 5 years. The Brief also notes that a national increase in further education students is expected due to changes in Government policy. In addition to this the conclusion in the Design and Access Statement indicates that the design philosophy of the proposal will promote a new education offer that will encourage more students to take education. This suggests that the student numbers could rise even higher than predicted. Paragraph 3.6 in the planning statement also recognises that colleges of further education have expanded in the past which normally results in an incremental, ad hoc manner. Whilst the planning statement indicates 26,548sqm will be needed by 2013/14 and that only 16,548sqm is required on the Pelham Campus because a further 10,000 sqm will be provided at Falmer (or elsewhere) there is no indication of what is expected after 2013/14 and thus whether the proposed space will be adequate or whether additional space will be required post 2013/14. Care therefore needs to be taken to ensure there is flexibility in the College's strategy to allow for future expansion (in appropriate locations) before the partial loss of this site can be justified - in compliance with policy HO20 and the duty placed on planning authorities to help create sustainable communities.

#### Proposed New Uses

Policy HO20 sets out preferences for alternative uses where it has been demonstrated the site (or part thereof) is not needed for the current or alternative community uses. It is felt the proposed uses either accord with

these preferences or can be justified e.g. student accommodation compliments the college.

Whilst the Development Brief recognises that a rationalisation of the college sites could present an opportunity to provide a range of other land uses, it is incorrect to assume the Brief sets out a requirement of what should be provided on the site apart from educational facilities and open space.

The GP surgery is welcomed (it is assumed the provision accords with the PCTs requirement).

### Employment

The Core Strategy identifies the New England Quarter and London Road area as the main focus for the identified requirement for 20,000sqm office floorspace post 2016. So there is a focus on the provision of new employment floorspace in the area. This approach is supported by the employment land study. The proposed employment floorspace that seeks to meet the needs of graduating students etc is therefore welcomed subject to the partial loss of the college site being justified.

### Residential

The extent of housing, both student and residential units, does raise a serious concern especially in view of the significant shortfall in on-site sport and recreation provision. Whilst the civic square is welcomed and helps to meet the student requirements for gathering places near the college and accords with policy QD20 and QD19 it does not however address policy HO6. It is not clear how many students will be accommodated in the student accommodation so the attached open space ready reckoner does not take these requirements into account. However the proposed residential units alone requires 4,452sqm (464sqm children's equipped play, 835sqm casual informal, 3153.5 sqm adult youth outdoor sports). The proposal indicates a children's play area will be provided however it is not clear what the total area will be or whether it will be an equipped playground or informal area. The extent of housing proposed is therefore of concern. Whilst the student accommodation is in principle supported if it is to be linked to the college and meet the needs of the students attending the college, however the on-site provision for their sports and recreation needs must be made (children's equipped play is unlikely to be required for this type of accommodation due to the age of the students). It is noted that in exceptional circumstances this could be in the form of indoor provision. Further information is therefore required to enable a proper assessment of this e.g. will the proposed dance hall be multi-functional and accessible by all residents out of college hours (please note the space should be reduced by 25% because it will not be accessible during college hours).

### Youth Hostel

Policy SR14 potentially applies which promotes new hotel and guest accommodation within an identified core area and resists new provision outside the core area. This site lies just outside the core area boundary

however its location near the mainline station and the one of the main educational establishments does hold merit. The head of tourism should be consulted.

#### Café

The café use can help in passive surveillance, help integrate the students and surrounding residents and is an identified possible use in the Development Brief. However regard to policy SR12 should be given.

#### Other issues

Design, transport, sustainability, waste, public art and archaeological will be subject to the comments from other respective officers. Regard should be given to motorcycle/scooter/moped parking provision and potentially the extent of cycle parking and the security and access arrangements for the cycling parking.

#### **Conservation & Design:**

*Comments received on 09/02/2009 regarding amended drawings.*

#### Summary

The revised drawings for Phase 1, the new College building, show modest improvements to the building, mainly to the north elevation, which go some way towards addressing the initial concerns. The revised plans for Phase 2 are a significant improvement. In particular the reduction in height and bulk of the buildings on the east side of Pelham Street has largely addressed the original concerns. In addition, the key vista of St Bartholomew's Church along Pelham Street now represents a clear enhancement over the existing view. In these respects the Phase II proposals now go much further towards fully meeting the aspirations of the Development Brief. It is noted that a full set of revised plans is still awaited and an additional east-west elevation will be needed so that further consideration can be given to the ground floor north elevation of the employment building, as seen from the pedestrian passageway, to ensure that it is likely to present an interesting and attractive 'street' frontage. Subject to resolving that issue, the overall application is now generally acceptable.

#### Phase 1

The overall form and scale of the building remains unchanged, as does its impact on the North Laine conservation area. The revisions to the north elevation, principally through the introduction of a full height glazed oriel window over the entrance, help to visually break down the sheerness of this important elevation and give it a greater degree of modelling and interest. The amendments to the ground floor of the east (Pelham Street) elevation give it better proportions and greater visual interest, but do little to give it a more human scale. The quality and finish of the materials and the quality of detailing will be key to making a building of this scale work well in its context and more information is still needed on these.

## Phase 2

The inclusion of the passageway to York Place within the site boundary is welcome and addresses that initial concern. The reduction in height and massing of the buildings on the east side of Pelham Street has greatly reduced their impact on medium distance views, particularly the view from the north towards and along Pelham Street and, most crucially, the view from within the Valley Gardens conservation area, from around St Peter's Church in particular. The historic roofline of York Place would not now be harmed by the proposals. The buildings of Phase 2 now make an effective transition downwards in scale from the north-west of the site, close to the New England Quarter, to the south-east of the site, close to the boundaries of the Valley Gardens and North Laine conservation areas. The roofline to Pelham Street is more coherent. The scale of the extended Trafalgar Court is now much more appropriate and the new buildings sit more comfortably alongside the retained Gloucester Building, though the vista northwards remains disappointing. The reduction in height and massing of the buildings on the east side of Pelham Street will also enable the Phase 1 college building to stand alone as a tall building in longer views, as envisaged by the Brief, rather than merging into a more heavily massed development at lower levels.

The various plans and illustrations are ambiguous with regard to the north facing elevation of the proposed employment building at ground floor level, however. It is important that this elevation, facing the new pedestrian through route, does not present visible car parking beneath a void. To accord with policy QD5 this elevation should present an interesting and attractive 'street' frontage and, for the purposes of policy QD7, should allow for natural surveillance of this proposed public route.

On the west side of Pelham Street, the setting back of the upper floors of the student accommodation/youth hostel building, together with the realignment of the café building, has greatly enhanced the key vista along Pelham Street towards St Bartholomew's Church. The small extension of the footprint of the student accommodation/youth hostel building westwards creates a more coherent streetscape and a more clearly defined area of public realm.

The landscaping of the new public square will need to be carefully controlled by condition, particularly as there still appears to be no level or ramped access to and from the Pelham Street side. There are also no details of how the car park below the square will be ventilated and how this ventilation will be expressed at ground level.

*Comments received on 07/11/2008 regarding the scheme as originally submitted.*

## Summary

The submitted proposals have done much to meet the aims of the Development Brief for this site and have evolved positively over the course of discussions. There is much in the application that is welcome, notably the loss of Pelham Tower, the intention of a distinctive and high-quality replacement

building, the mix of uses, the maintenance and restoration of the historic urban grain, enhancement of some views, good permeability through the site and the creation of a significant and attractive new public space. However there are also significant outstanding concerns, notably about the scale and height of some of the buildings proposed under Phase 2, the proposed ground level frontages in Pelham Street, the impact of the scale of the College building on the character and setting of the North Laine conservation area and the design of the north elevation of the College building. As submitted the application falls short of fully meeting the aspirations for the site as set out in the Development Brief.

The Development Brief for this site allows in principle for one taller building on the site, provided that it is substantially more elegant in its massing, profile and silhouette than the existing Pelham Tower which it would replace. The Brief also acknowledges that development as a whole must address the 6-8 storeys of the New England quarter to the north-west and the more domestic scale buildings of the North Laine conservation area to the south and that this presents a fundamental design challenge. Development must also respect the primacy of the roofline of the Valley Gardens conservation area buildings to the east and south-east, including groups of listed buildings. Strategic view should be enhanced, including those of St Bartholomew's Church and St Peter's Church, and new vistas created. The mix of uses should include active ground floor frontages, particularly to Pelham Street as a key north-south link route.

#### Phases 1 and 2

It is noted that the application boundary does not include the existing passageway through to York Place and the archway. It is not clear, therefore, how the City College can guarantee that this will form a public route into and out of the site.

The mix and disposition of uses is generally considered appropriate in terms of the character of the area and compliance with the Brief. But the proximity of the residential block (Building 6) to the College tower (and its roof terraces) could result in overlooking issues, which could then result in a bland residential elevation, as habitable rooms and large windows may be problematic on the Pelham Street elevation. The potential for active uses on the ground floor along Pelham Street needs to be maximised and there should be a feeling of human scale. There is some doubt how much active frontage could be achieved on the east side, particularly given that the surgery would no doubt require some privacy and the flats and employment space probably single entrance points.

The pedestrian priority proposals for Pelham Street are very welcome and the strategic landscaping scheme is considered to be appropriate and potentially an excellent contribution to linking North Laine with the London Road area, but the accessibility issues relating to Pelham Street and the new square will require careful consideration. Traffic movements could be complex and



confusing given that there will be four separate access/egress points for car parking, plus the service ramp/minibus park for the College, and that Pelham Street can seemingly be entered and exited at both ends. Also, the new public square appears to have only stepped access from the College and from Pelham Street. No ramps are indicated.

The loss of the original Victorian buildings, Trafalgar and York, is regrettable but accepted provided that new development enhances the area and key views. Trafalgar, though an attractive townscape building, has been significantly altered and rebuilt and it is acknowledged that York is difficult to convert and has an ugly blank south gable end. The loss of York, which rises above the York Place frontage in views from the east, presents an opportunity to replace it with a lower building that would enhance the historic roofline of York Place and which would better close the vista along Trafalgar Court.

The general layout of the proposals and the footprint of the buildings are considered to be appropriate, largely maintaining and restoring the historic urban grain and building lines whilst creating a welcome new public square. The main issue with the phase 2 proposals is the scale, height and massing of the buildings, particularly those on the east side of Pelham Street. Development on this site needs to respect the different scale and character of the New England Quarter (NEQ) to the north and west and the conservation areas immediately adjoining to the south and east. In addition, a single taller building only is appropriate (as a better replacement for the existing) and other development should be more typical of the city's prevailing height and scale. Under these proposals much of the development would be over 15m high and two of the buildings would be almost at the 18m threshold for a tall building. There is little differentiation in scale between the development on the north-west part of the site (near the NEQ) and that on the south-eastern part of the site, adjacent to the conservation areas. This is contrary to the Development Brief.

Of particular concern is the height and scale of the proposed Employment Space building (building 8), which is 5 and 4 storey and at 17.95m not substantially lower than the York building that it generally replaces. This building would inappropriately rise up above the York Place frontage and would visually overwhelm the retained Gloucester Building. This building should instead be 4 and 3 storeys. The reduction to 4 storeys fronting Pelham Street would allow development on this side of Pelham Street to step down the slope and would relate better to the existing building to the south. Related to this, the adjacent residential block (Building 6) should also be one storey lower to match the building to the north where they are adjacent, ensuring an appropriate roofline / eaves line in oblique views. (This can be seen in View K from St Peter's Street in the Townscape assessment of the EIA).

The extension of Trafalgar Court as a new street is welcome but the proposed scale of the Employment Space building would be too great for the width of the street. A more small-scale mews feel is needed here. Moreover,

opportunity has not been taken to create an attractive vista along the street. This could be achieved by closing the view at the north end at first and second floor level by 'bridging' across the two buildings.

Consideration of the appropriateness of the new College building within the overall scheme must take particular account of the aim of the Brief to achieve a taller building that it is substantially more elegant in its massing, profile and silhouette than the existing Pelham Tower. The proposed building is approximately seven metres lower than the existing Tower. Being set further south it would appear of similar height when seen from North Laine. Its massing and profile is certainly more interesting than the existing Tower and its silhouette would change depending on where it is viewed from. The variations in height of the twin elements above the podium are most evident in views from the north and south, forming an irregular silhouette that would bring interest to the skyline, whilst from the east and west the twin elements merge to form a considerable bulk and mass. In views from North Laine the building will certainly provide a very strong contrast with the historic, small-scale streets and buildings over which it would be seen, but with its varied profile, stepped 'front' and extensive glazing it would present a much livelier and lighter appearance than the current bland tower with its blank ends and would be a distinctive landmark. (Consideration of the design detail of this building is set out under Phase 1 below).

With regard to the EIA and the submitted townscape views, the following comments are made:

View E: the listed building of 96 Trafalgar Street is in the foreground, on the corner, but there is no assessment on the impact on its setting. Its setting will inevitably suffer some harm as a result of the sheer scale of the new College building behind it, but that setting has already been compromised to some degree by the Pelham Tower. This view shows that the key view of St Bartholomew's Church will be slightly enhanced by revealing more of the south front. But less of the roof would be visible. This key view would be better enhanced by setting back the top two storeys of the Student Accommodation/YHA building at its eastern end.

View H: there would be some moderate adverse impact on the historic roofline of the listed buildings of St George's Place.

View I: the beneficial impact on the view of St Peter's Church is very much welcomed.

View K: see comments above.

View M: there would be moderate adverse impact on the roofline of the listed buildings of St Peter's Place but moderate beneficial impact on the roofline of the listed buildings of Ditchling Road, so the overall impact from The Level is considered to be neutral.

On a factual point, there is an error on drawing number (00) APP211 Elevations and Sections Key Plan – Section 2 is shown on the wrong line.

### Phase 1

The proposed College building does include for active uses behind an open frontage at ground floor level and this transparency certainly has the potential to enliven the streets, but the podium is not a subtle feature and in its simplicity could appear rather monolithic, particularly where it is adjacent to the small-scale traditional buildings to the south. Whilst the extensive glazing allows the interior uses to be evident and so enlivens the street, there are no openings except fire exits and on the important Pelham Street side there is a brick plinth which rises above head height for part of its length. This key-route elevation lacks human scale at ground floor level. The Dance Studio element overhanging the service yard entrance will be very visible from below and careful consideration therefore needs to be given to the material/finish/detailing of the soffit and front edge.

The south and east elevations above the podium are largely glazed but with relief from other materials and enlivened by set-backs, roof terraces balconies and deep eaves which cumulatively create visual interest. Quality of detail and materials will be key. The simpler approach above the podium on the west elevation provides a sensible contrast.

Of significant concern, however, is the proposed north elevation. Facing the new public square, it is the elevation which will be most clearly seen in its entirety and this elevation will significantly define the 'feel' of the new square. Because there is no podium here the elevation will rise sheer to 9 storeys and it lacks modelling or relief. The elevation drawing shows shadow lines around the glazing but the detailed section drawing shows that the glazing is almost flush with the cladding so the elevation would appear very flat, compounded by the minimal overhang of the eaves here. Combined with the simplicity of approach to materials this could result in a key elevation that fails to do justice to its location and which would not sufficiently enliven the open space.

The Design and Access Statement refers to the zinc cladding as being reflective but this would exaggerate the already strong contrast with the historic buildings. A more restrained finish would be appropriate. The D&A Statement states that the eaves soffits would be clad in strips of timber but the detailed section drawings refer to an aluminium finish – timber strips would add welcome warmth and variety.

### **Traffic Manager:**

#### General car parking

The applicants propose no general parking for the college, student accommodation and youth hostel except for 3 spaces for hostel staff. This is consistent with national and local policies and is supported by:

- The commitment to the travel plan process demonstrated by the college.
- The central location of the site and associated high availability of sustainable transport facilities locally.
- The local parking controls and intensity which indicate that little if any displaced parking will take place.

#### Disabled parking

Standards for this are minima even when little or no general parking is proposed as in this case. SPG4 requires 9 spaces for the college and 8 for the student accommodation. The applicants have argued however in this case that there is scope for the shared use of disabled bays between these uses as the students living in the accommodation will live and study on site, and this is accepted. However, the proposal to provide only 1 space for the youth hostel is unacceptable. SPG4 does not set standards for youth hostels. If the housing standards were used then 15 spaces would be required, and if the hostel was regarded as a hotel it would be 1 space. It is proposed that an initial provision of 3 spaces should be required by condition. The applicants do not propose to provide any disabled parking for the residential use and this is unacceptable. The provision of 9 spaces in the proposed car parking areas to the east of Pelham Street should be required by condition.

#### Cycle parking

The number of spaces for the college will be increased to 66 as required by SPG4 and this should be secured by condition. There are also 28 spaces for the student accommodation. Again the standards applicable to the youth hostel are not specified in SPG4. Application of the student accommodation standards to the youth hostel suggests 49 spaces and the housing standards suggest 197 spaces- the applicants have proposed 2 spaces albeit followed by monitoring. It is proposed to require the provision of 49 spaces by condition. A condition should also be imposed requiring the applicant to demonstrate that all the spaces will be sheltered and secure. Cycle channels should be provided at the steps within the development.

Both cycle and disabled parking should be monitored as part of the travel plan process and the Council should have the right to require the provision of extra spaces if this is reasonable (in the Council's view) in the light of the monitoring results.

Parking provision for those parts of phase 2 for which parking is not provided in phase 1 should be dealt with as part of the future applications for these uses.

#### Highway works

The applicants proposed to prohibit through traffic (while allowing cycling) in Pelham Street, and to avoid the imposition of extremely circuitous vehicular routes for some movements as a result they also propose to facilitate the conversion of Trafalgar Street to two-way operation between Pelham Square and Sydney Street and relaxation of the turning restrictions associated with

the current one way system. Physical measures would be used to enforce the prohibition of through traffic in Pelham Street. This is satisfactory subject to the establishment of a S278 agreement for the works and provision for the applicants to fund the TRO procedures required. (As always, the approval of these orders cannot be guaranteed). The applicants have demonstrated effectively using standard methods that the extra vehicular trips generated will not cause adverse traffic effects.

Sustainable modes and S106 contributions- The quantity of provision for sustainable modes around this site is good but the quality of this provision is not considered comprehensively in the Transport Assessment. Existing provision costs money to maintain and improve and improvements to the area are being considered by the Transport Planning team. Application of the standard contributions formula suggest that a contribution of £102,534 would be appropriate for the 'commercial' i.e. employment and housing elements of the development on the basis of the revised schedule of development. A S106 agreement making provision for this should be required as part of any consent.

#### Travel Plan

The applicants have provided a framework travel plan for the college as part of the application and intend to provide a detailed plan following further consultation, surveys and monitoring in summer 2009. This will identify measures to encourage users to travel by sustainable modes before the existing car park is closed, which is currently proposed to happen at the end of 2009. The applicants are also working with officers to ensure the provision of alternative disabled and cycle parking during the construction period. All these measures should be ensured by conditions which should also include annual monitoring, in particular of disabled and cycle parking as discussed above.

Other points- A condition requiring the approval of construction traffic routing should be attached to any consent. The proposal includes the provision of new pedestrian routes- although not rights of way- connecting Whitecross Street and York Place and this will increase permeability.

**Environmental Health:** Recommend that the application is granted subject to conditions.

Contaminated land: Historic mapping indicates several areas of potentially contaminated land over the site, these areas have been identified by looking at former and historic uses. For this reason it is necessary to apply a potentially contaminated land condition. Note that the application documentation includes a phase 1 ground conditions desk top study and qualitative environmental risk assessment for this site. This element can therefore be removed from the standard condition.

Noise: Have concerns over noise from plant and machinery and potential



noise from any extraction or ventilation systems that may be required as part of the development. Also have concerns regarding noise from deliveries/servicing and have therefore recommended conditions in relation to these areas.

**Odour:** The development is likely to include areas that require kitchen extraction units. Have concerns relating to odour from such units and have therefore recommended the necessary planning conditions.

Recommend conditions to require the following:

- Contaminated land site investigation and if necessary remediation work;
- Control of noise levels from plant and machinery and soundproofing of such machinery;
- Hours of delivery vehicles;
- Odour control equipment and soundproofing of such equipment.

Also recommend that due to the close proximity of residential properties a Construction Environmental Management Plan should be secured through a section 106 agreement, which must be agreed in writing prior to any works commencing.

**Air Quality:** No objections to the scheme, following the submission of the additional air quality modelling work by the applicant to address earlier concerns regarding the level of air quality the northern façade would be exposed to.

Originally considered that the ES did not assess in detail the introduction of new residential receptors to areas of potentially poor air quality. The position of new buildings in close proximity to the road in combination with existing structures fronting lower Cheapside may further inhibit dispersion of traffic emissions on Cheapside. The northern façade of the development represents the worse ambient air quality bonding the site and it is proposed that the north building house a doctors surgery and residential. The plans propose balconies and open roof terraces either in or adjacent to the northern façade further increasing the likelihood of long-term exposure to poor air. It is important that the proposed building line does not continue the existing street canyon on lower on lower (eastern) Cheapside. Street canyons can trap traffic emissions, inhibit dispersion and lead to higher concentrations of outdoor pollution in the street up to and including the building façade.

The buildings surrounding the public square represent best practice for the location of future residential units benefiting from cleaner air. The public square is likely to have the best air quality at the site, as it is remote and above the congested roads to the north and east.

**Ecologist:** Agree with the applicant that the site as existing is of negligible nature conservation value. However both national and local policy (PPS 9 para 14 and Local Plan Policy QD17) require nature conservation

enhancements as a part of new development. These are addressed in the biodiversity chapter of the ES (para 9.85, 9.86) which refers to:

- bat boxes suitable for pipistrelle bats
- nest boxes for house sparrow, swift and house martin
- extensive and intensive roof gardens
- landscaping with native tree and shrub planting

However I could not find a plan which quantifies these features or defines where they will be located. This should be secured by condition, with the necessary details agreed in writing with the council prior to commencement of development.

**Arboriculturist:** The on-street trees in the vicinity of the development must be protected to BS 5837 (2005) Trees on Development Sites as per the Arboricultural Report.

The loss of the Sycamore is to be regretted as it is a fine tree, however, its retention could not be considered as the ramp to the basement level will be in this location. A landscaping condition should be attached to any planning consent granted for heavy replanting, as is also mentioned in the arb report, in order to compensate for the loss of this tree

**Public Art:** Public art element for this application is to the value of 180,000. In the Planning Statement (p. 69), the applicant for this development acknowledges the relevance of policy QD6 to the development. This is welcomed, however, no further detail is provided as to how public art might be incorporated into the development. It is the council's preferred approach for the public art to be incorporated within the development.

**Head of Tourism:** Though not technically a hotel/guest house, youth hostels function for all intent as budget hotel accommodation.

- As the city lost a youth hostel last year - this 'replacement' would be welcome;
- Its location would allow it to meet the needs of, especially foreign, students at the College as well as language students studying at nearby language schools;
- Budget accommodation of this sort is valuable to youth/student visitors and we do not have a significant supply of this type of accommodation;
- It would also be valuable to tourism/hospitality students at the College to have a practical 'on-site' facility in which work experience could be undertaken;
- It would be most likely to impact on the private rented sector which is how many of the students are currently accommodated so should not have a significant detrimental effect on the existing hotel/guest house supply in the City.

**Housing Strategy:** Generally we have been seeking 40/50/10% 1, 2 & 3 beds but, as per draft policies & targets recognised in the LDF & subject to site specifics, we would welcome a higher proportion of larger family homes.

At least 10% of the affordable should be built to our Wheelchair Accessible standards set out in PAN03 Accessible Housing & Lifetime Homes.

## 7 PLANNING POLICIES

### Planning Policy Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres
PPS10	Planning for Sustainable Waste Management
PPS22	Renewable energy
PPS23	Planning and Pollution control

### Planning Policy Guidance Notes

PPG4	Industrial and Commercial Development and Small Firms
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPG24	Planning and Noise

### Regional Planning Guidance for the South East

RPG9	Regional Planning Guidance for the South East 2001
Q1	Urban areas – prime focus for new development
Q6	Health, education and other social considerations and infrastructure requirements
E7	Pollution control and air pollution
RE1	Regional Economy
RE2	Job Opportunities
RE4	Business and Sustainable Development
RE5	Employment land resources
RE7	Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove
RE11	Tourism, Arts and Culture
H4	Dwelling types and sizes and affordable housing
H5	Increasing housing development in urban areas
T1	Minimising the distance people need to travel
T2	Travel awareness and travel plans
T3	Parking standards
T4	Walking and cycling
T5	Public Transport
INF4	Energy conservation and renewable energy.

### Draft South East Plan Core Document

CC1	Sustainable Development
CC2	Climate Change

## PLANS LIST – 18<sup>TH</sup> MARCH 2009

CC3	Resource Use
CC4	Sustainable Construction
CC12	Character of the Environment and Quality of Life

### East Sussex and Brighton and Hove Structure Plan 1991-2011

S1	Twenty One Criteria for the 21 <sup>st</sup> Century
TR1	Integrated Transport and Environment Strategy
TR3	Accessibility
TR16	Parking standards for development
EN1	Environment General
EN28	Renewable Energy Generation
LT1	Leisure and Tourism
LT2	Leisure and Tourism

### Brighton and Hove Local Plan

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

QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM4	New business and industrial uses on unidentified sites
SR2	New retail development beyond the edge of existing established shopping centres.
SR12	Large use class A3 (restaurants and cafes and Use Class A4 (pubs and bars)
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents

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

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH15	Tall Buildings

Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
-------	---------------------------------------

Other Documents

Development Brief: Pelham Street Knowledge Quarter  
Planning Strategy Framework: City College at the Stadium

**8 CONSIDERATIONS**

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



otherwise”. In consideration of this application, the Secretary of State’s decision in 2007 is a material consideration. The main considerations in the determination of this application are:

- The principle of development (including the acceptability of the uses)
  - Phase 1
  - Phase 2
- Visual impact
  - demolition
  - principle of a tall building
  - general layout of the site
  - design of Phase 1 building and impact on streetscene
  - Phase 2 development and impact on streetscene
  - Impact on Phases 1 and 2 on strategic views, including Conservation Area impacts and the setting/views of listed buildings
- Amenity
  - adjacent occupier/residents
  - proposed residents
  - wind microclimate assessment
  - noise/vibration/dust
- Amenity space provision
- Highways
- Sustainability
- Affordable Housing
- Other matters

#### **Principle of development**

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

Exceptions may apply when:

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

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

The City College’s longer term property strategy plans are to develop two main campuses, one at Pelham Street (Phase 1 building), and another campus adjacent to the Falmer Stadium which would accommodate 8,223 sq

metres, plus educational space within the actual stadium itself (2,000 sq. metres). A planning application for the additional Falmer building has not yet been submitted.

The City College intend to develop the Pelham Street campus for 16,578 sq. metres and to provide 10,000 sq metres elsewhere in the City. The College are hoping to fund the majority of the works through a grant from the Learning and Skills Council. However, as part of their application in principle they were guided by the requirement from the Learning and Skills Council to sell off part of the Pelham Street to other developer(s) in order to realise a land value to fund part of the scheme.

A Development Brief 'Pelham Street: Knowledge Quarter' has been prepared and approved for the site by the Council, along with a similar document 'Planning Strategy Framework – City College at the Stadium'. The mix of uses of Phase 2 for the Pelham Street, and the principle of a college campus at Falmer were established within these documents. However, whilst these documents are a material consideration they hold very limited weight within the decision making process of this current application.

Additional floorspace will be provided at provided at Wilson Avenue and Hove for eastern and western outreach. However, this has not yet been developed and is not considered to account for a large area of floorspace when compared to the proposed provision at Pelham Street or Falmer. A planning application is currently under consideration by the Council for a motor vehicles repair school at Wilson Avenue, as this is currently located at Pelham Street.

A key component for relocating some facilities to Falmer is the potential to attract 'hard to reach' students based on the potential for sport. Pelham Street will focus on arts, media, publishing and performance art, with Falmer concentrating on health, public services, care and construction and sport.

The Council's Planning Policy Officers, although generally supportive of the College's intentions for a two site campus, have expressed concern over the loss of educational space on the Pelham Street site and how this fits in with any expansion plans the College may have in the future.

Policy HO20 is not limited to the retention of existing floorspace but rather applies to the site. Having regard to a site instead of just floorspace ensures greater flexibility in meeting current and future community facility demands. Planning Policy Officer's consider that whilst the proposal does seek to provide facilities which are more appropriate to their purpose it is not clear that the extent of provision is adequate and thus equal to or better than existing.

The planning statement makes it clear that the numbers of students is set to increase.

The College consider that 26,548sqm will be needed by 2013/14 and their preferred option is to provide 16,548sqm on the Pelham Campus and a further 10,000sqm at Falmer (or elsewhere). However, there has been no indication of projected growth and floorspace requirements post 2013/14, and it is therefore difficult to assess whether the release part of the site to other non educational uses would impact on long term provision and expansion of the College's educational facilities.

The College consider that a significant amount of current floorspace at Pelham Street is unusable for effective learning, and as a result the education accommodation is below Ofsted standards and not fit for purpose. The applicant has stated that approximately 40% of floorspace at Pelham Street is 'unusable' which equates to 8,200 sq metres. This results in only 12,300 sq metres of the existing floorspace being regarded as usable for educational purposes. The redevelopment will provide 16,578 sq metres of floorspace, which is an increase of 35% compared to the current usable floorspace. However, the City College still intend to provide 10,000 sq metres at Falmer.

If the 10,000 sq metres at Falmer (or elsewhere) is secured and delivered along with the delivery of educational buildings on Pelham Street, it would result in a net increase of usable educational space of 14,278sq. metres. Notwithstanding this, in planning policy terms it is essential that planning permission is secured for the additional 10,000 sq metres of floorspace in the City and contracts entered into for the work to be carried out, prior to the Phase 2 element of the site being developed. Failure to secure this could seriously hamper the longer term provision of this type of education provision within the City.

Whilst Planning Policy concerns still exist surrounding the future expansion provision and the lack of student projection figures post 2014, given the net increase of usable floorspace that would be achieved if the 2 campuses were delivered, it is considered that subject to the Section 106 agreement, the realisation of part of the site for the Phase 2 development would not prejudice the longer term educational provision in the City and would comply with policy HO20 of the Local Plan.

#### Student accommodation/youth hostel

The application site falls outside of the core area designated within the Local Plan for new hotel and guest accommodation. However, the site is in a highly accessible location and the Council's Head of Tourism is supportive of the proposals to provide a new youth hostel. It is most likely to impact on the private rented sector rather than on existing hotels/guest houses as the City does not have a significant amount of budget accommodation and many of the students are currently accommodated within the private rented sector.

The student accommodation is welcomed. This would be a C2 use class (halls of residence) rather than a C3 use class (private dwellings).

Doctors Surgery/Pharmacy

The Primary Care Trust are supportive of the proposals to provide a doctors surgery and would be looking to relocate at least one of the GP surgeries in the immediate neighbourhood, in particular St Peters Medical Centre from Oxford Street. Although the Primary Care Trust and the College have not finalised any agreement, the principle of a purpose built surgery is welcome.

The break down of the floorspace between the doctor's surgery and the pharmacy is not known at this stage. A condition is proposed to ensure that the pharmacy remains ancillary to the doctor's surgery.

Commercial

Planning Policy have commented that the Core Strategy identifies the New England Quarter and London Road area as the main focus for the identified requirement for 20,000sqm office floorspace post 2016. So there is a focus on the provision of new employment floorspace in the area. This approach is supported by the Employment Land Study. The proposed employment floorspace that seeks to meet the needs of graduating students etc is therefore welcomed subject to the partial loss of the college site being justified.

A condition is proposed to restrict the uses of the commercial building to B1 only and not to be used for B2 or B8.

Residential

Planning Policy Officers have raised concerns over the residential development and the failure to provide for on site sport and recreational space provision. The levels of amenity space are discussed later in this report, and the reserved matters application would be subject to a contribution towards public open space and recreation in line with policy HO6.

40% of the units would be affordable. Subject to other considerations discussed later in this report, and the requirement to require the City College to secure 10,000 sq metres of educational space elsewhere in the City, it is considered that a mix which includes residential is acceptable and would seek to meet the requirements of PPS1 and PPS3 with regard to the more effective and efficient use of sites and providing sustainable communities.

Café

The floor area of the proposed café is 396 sq. metres. Policy SR12 of the Local Plan will only permit new café, restaurants, bars or public houses with a total resultant public floorspace in excess of 150 sq. meters will only be permitted provided they meet the following criteria:

- a. the premises would not be within 400m of another establishment falling into the above category. (Evidence to demonstrate this must be supplied by the applicant);
- b. the premises do not, or will not, operate within, or abutting, premises

- containing residential accommodation except that occupied by staff of the premises;
- c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
  - d. that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.

With regard to criterion a, the applicant has not submitted information with regard to other similar establishments. However, it is considered that there are other establishments within 400 metres.

With regard to criterion b, the proposed café would not operate within or abut any residential properties.

With regard to criteria c and d, it is not considered that the proposed café would result in public disorder or nuisance.

Policy SR12 states that exceptions to this policy may be permitted provided that any customer floorspace in excess of 150 sq. metres is for service to seating customers only in the manner of a restaurant or café, and planning conditions should be used to ensure that alcohol is only served to customers who are seated at tables and taking food. A condition to ensure this is therefore proposed along with a condition restricting the hours of operation of the café.

Given that the proposal is for a café (A3) rather than a drinking establishment (A4), it is considered that the exception to this policy is justified and would not adversely impact on neighbouring amenity or result in public disorder.

#### Public square

The provision of a public square is welcomed. A management and maintenance plan would need to be agreed between the City College and the Council, and it is proposed to agree this via the Section 106 agreement.

#### Phasing of development

The public square and the highway and landscape improvements to Pelham Street are a key benefit of the scheme, as is the demolition of Pelham Tower. The City College intend to erect the Phase 1 building and then decamp into it from the existing buildings on the site. It will be essential to require the demolition of Pelham Tower, and the delivery of the public square and



highway and landscape improvements to Pelham Street through the Section 106 Agreement. It is proposed to require the demolition of Pelham Tower within 12 months of first occupation of the Phase 1 building and the delivery of the public square and Pelham Street improvements within 3 years of first occupation of the Phase 1 building.

**Visual impact**

Although PPS1 and PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. PPS1 seeks amongst other things to protect and enhance the quality, character and amenity value of urban areas including the historic environment.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

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.

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

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.

Policy HE6 of the Local Plan requires development within or affecting the

setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

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.

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

It is proposed to demolish Pelham Tower, Cheapside, York and Trafalgar buildings. Gloucester building will remain. The demolition of Pelham Tower is welcomed and as set out within this report this will have benefits in terms of the immediate streetscene, and medium and longer views of the site, including the setting of adjacent conservation areas and nearby listed buildings.

Cheapside building is a later addition than York and Trafalgar buildings and has less architectural merit than these Victorian buildings. The Design and Conservation Team have commented that the loss of York and Trafalgar buildings is regrettable but accepted provided that new development enhances the area and key views. Trafalgar building, though an attractive townscape building, has been significantly altered and rebuilt and it is acknowledged that York building is difficult to convert and has a blank gable end.

The Design and Conservation Team have also commented that the loss of York building, which rises above York Place in frontage in views to the east, presents an opportunity to replace it with a lower building that would enhance the historic roofline of York Place and which would better close the vista along Trafalgar Court.

Principle of a tall building on this site

The application site falls outside of the areas designated as suitable for tall buildings under SPG15 'Tall Buildings'. However, the Development Brief for the site suggests that in principle one taller building on the site could be provided if it is substantially more elegant in its massing, profile and silhouette than the existing Pelham Tower which it would replace. The development brief has very limited weight in the determination of this planning application as it was not part of a formal consultation process and was essentially prepared as an aid to City College in their bid for funding to the Learning and Skills Council. It does not have the status of a Planning Advice Note or a Supplementary Planning Document.

However, as Pelham Tower is to be demolished it is considered that a tall building could be located on the site provided the proposals meet Local Plan policies as well as the guidance within SPG15. It is essential that if a consent is granted the demolition of Pelham Tower is achieved within a time period of completion of the Phase 1 building as it would not be acceptable to have two tall buildings on site.

On this basis there is no objection to the principle of a replacement tall building on the site.

Layout of the site

The general layout of the proposals and the footprint of the buildings are considered to be appropriate in urban design terms and largely maintain and restore the historic urban grain and building lines whilst creating a new public square.

Key pedestrian routes through the site will be enhanced. Pelham Street will be pedestrian priority and landscaped, and a new route through the archway on York Place will be provided. The key points of entry to the site from Trafalgar Street will be from Redcross Street, Pelham Street and Trafalgar Court. From the west there will be two main points of pedestrian access, one to the north of the Phase 1 building and one in the north western corner of the site. Both will lead to the public square. The main point of pedestrian access to the north will be from Pelham Street. Access to the public square from Pelham Street is via steps.

The scheme will provide improved pedestrian links from London Road to the North Laine.

Design of Phase 1 Building

The three storey plinth of the building would have a width of 58 metres on its southern facing elevation with the Pelham Street frontages and Whitecross frontages having a length of 39.4 metres and 40 metres respectively. The northern facing elevation would have a width of 53 metres.

On top of the three storey plinth the rest of the building will consist of a two storey curved section of building with a roof terraced area above, and a four storey section of the building (seven storeys in total) on the northern elevation and a six storey section (nine storeys in total) of the building on the western section of the building which fronts Whitecross Street. The materials to the upper floors of the building will be predominately glazing to the eastern and southern elevations, and metal cladding with smaller areas of glazing to the western and northern elevations.

A metal roof is proposed with a standing seam.

#### East elevation (Pelham Street)

The Pelham Street frontage of the three storey plinth would consist of brickwork to a height of between 1.6 metres (southern most point) and 1 metre (northern most point). The ground floor above this would consist of predominately glazing with vertical strips of metal cladding. The glazing is recessed some 0.2 metres from the building line. The first and second floors would again consist predominately of glazing panels with horizontal strips of metal cladding to the base of the first floor and top of the second floor, with vertical strips at both sides to form a rectangular shape.

The Design and Conservation Team originally commented that the Phase 1 building does include for active uses behind an open frontage at ground floor level and this certainly has the potential to enliven the streets. However they considered that the three storey podium is not a subtle feature and in its simplicity could appear rather monolithic, particularly where it is adjacent to the small-scale traditional buildings to the south. They also commented that there are no openings except for fire exits and on the important Pelham Street side there is a brick plinth which rises above head height for part of its length. It was the Design and Conservation Team's view that this key-route elevation lacked human scale at ground floor level.

Amendments have been made to the scheme which include the recession of the ground floor from the upper two floors and the insertion of vertical columns of metal cladding at 6 metre intervals.

These amendments give the Pelham Street elevation better proportions and greater visual interest, but do little to give it a more human scale. There is a difference in levels across the site with the ground rising across the site from west to east and in addition the ground slopes up along Pelham Street from south to north. This results in the proposed ground floor being at a slightly higher level than pavement level on the Pelham Street frontage and a lower level on the Whitecross Street frontage. The ground floor (and brick section of the elevation) would be 1.6 metres higher than pavement level on the south end of the Pelham Street frontage and 1 metre higher at the northern end. Without dramatically altering the internal levels of the building and amending the scheme to incorporate a split level at ground floor, there are limited design solutions which could address this.

Whilst at the preferred option would be to have a stepped ground floor which is level with the pavement height and reflects the topography of the site. However, it recognised that this would be a costly approach, and it is considered that this negative impact would be outweighed by the other benefits of the scheme.

The Design and Conservation Team also commented that the east elevation above the podium is largely glazed but with relief from other materials and enlivened by set-backs, roof terraces, balconies and deep eaves which cumulatively create visual interest.

There would be a gap of between 7.4m between the adjacent two storey terraced property (2 Pelham Street) and the three storey podium fronting Pelham Street. However there would be a projecting first floor dance studio which would be 1 metre from 2 Pelham Street.

The eaves height of 2 Pelham Street is 5.7 metres with the ridge being 7.9 metres above pavement level. The suspended first floor dance studio would be 2 metres higher than the ridge of 2 Pelham Street.

The 5 storey section of the building on the Pelham Street frontage would have a slightly curved frontage and would be set back between 1 metre and 8.6 metres from the building line. This allows for planting and roof terrace areas at the third floor level on top of the podium. On top of the fifth floor is the second roof terrace area which would be a height of 21.5 metres above pavement level.

The 7 storey section of the building would front the southern section of the elevation for a length of 13.5 metres and would be a height of 27.5 metres (to eaves height) above pavement level. The 9 storey section of the building fronting Whitecross Street would be seen in the background.

The height and scale of the Phase 1 building would be in sharp contrast to the adjacent small scale terraced property 2 Pelham Street. The 7 storey section of the building is located at its southern most point and the 9 storey section of the building is sited on the Whitecross Street, which does allow for some transition between the adjacent smaller scale buildings and the tallest sections of the Phase 1 building.

*West elevation (Whitecross Street)*

Due to the difference in ground levels of the site, on the Whitecross Street frontage only part of the ground level will be visible (0.4 metres at the northern most point and 1 metre at the southern most point). The ground floor will consist of glazing and the treatment of the façade to the first and second floors will replicate that proposed for the Pelham Street frontage.

The height of the three storey plinth would be 10.6 metres above the



pavement level on the southern most part of the Whitecross frontage nearest to the adjacent terrace 2 Whitecross Street. The ridge height of 2 Whitecross Street is 9.9 metres with an eaves height of 8.5 metres. There would be a gap of 2.4 metres from the corner of the building to 2 Whitecross Street.

A balustrade is proposed to the roof terrace area of the third floor which would be a height of 12.2 metres above pavement level at the southern most section of the elevation. Due to the sloping nature of the site and of Whitecross Street with the ground levels rising south to north, the three storey podium would be a height of 9.3 metres above pavement level at the northernmost point with the balustrade being a height of 10.1 metres.

The 9 storey section of the building would be set back from the Whitecross Street building line 1.2m at the southern-most point which increases to 10 metres at its northern-most point. The 9 storey section is also set back from the southern building line of the three storey section by 7 metres which allows a transition between the adjoining three storey terraced properties (1 -2 Whitecross Street) and the 9 storey section of the building.

The tallest part of the 9 storey building would be 34.2 metres above pavement level.

Despite the lack of openings within the ground floor, it is considered that the use of predominantly glazing within the first three floors would give visual interest and allows for activities inside the building to be seen. The siting of the building restores the original building line to Whitecross Street.

Theobold House is opposite the site on the other side of Whitecross Street which is approximately a height of 60 metres above pavement level. The plinth of Pelham Tower is 8 metres above pavement level with Pelham Tower being a height of 42 metres. It is considered that the plinth of Pelham Tower and the car park provide a bland frontage to Whitecross Street with little visual interest.

Given the benefits of demolishing Pelham Tower, it is considered that the height of the 9 storey section of the building would be acceptable within the streetscene, especially given that it is set back from the Whitecross Street frontage, and due to the presence of another tall building within the street (Theobold House).

#### Southern elevation

The southern elevation of the three storey plinth will consist of brickwork at the ground floor and predominately metal cladding at the first and second floors. The main entrance will be glazed with areas of glazing directly above at the first and second floors. A large area of glazing to the art studios is also proposed at the second floor. The first floor dance studio would measure approximately 10.5 metres by 9 metres and would project out of the main section of the building at the south eastern corner. This would be supported

by a column.

The Design and Conservation Team have commented that similar to the east elevation, the section of the elevation above the podium, although fully glazed in enlivened by set-backs, roof terraces, balconies and deep eaves which enliven this elevation.

The upper floors would be set back between 1 metre and 7 metres from the southern building line on top of the three storey plinth. The southern section of the 9 storey element of the building would be present on the western most section of this elevation for a length of 14 metres and would be set back 2.6 metres to 7 metres from the front building line.

#### Northern elevation

The northern facing elevation will consist of brick and glazing at the ground floor with metal cladding at floors above. A central glazed area is proposed within the middle of the façade which would project out slightly at the third to sixth floors.

The Design and Conservation Team originally commented that the north elevation was of particular concern as facing the public square it is the elevation which will be most clearly seen in its entirety and this elevation will significantly define the 'feel' of the new square. Because there is no podium here the elevation will rise sheer to 9 storeys and it lacks modelling or relief. The glazing is almost flush with the cladding so the elevation would appear very flat, compounded by the minimal overhang of the eaves. Combined with the simplicity of the approach to materials this could result in a key elevation that fails to do justice to its location and would not sufficiently enliven the open space.

Amendments have since been made to the north elevation. This is principally through the introduction of a full height glazed oriel window over the entrance, it is considered that this will visually break down the sheerness of this important elevation and give it a greater degree of modelling and interest.

In summary, whilst it would be preferable in design terms for the western and eastern elevations of the Phase 1 development to 'step down' to reflect the gradient of the land, it is recognised that this would have a significant cost implication to the scheme and would seriously affect the levels inside the building. However, given the other benefits of the scheme, such as the reinstatement of the building line of Pelham Street and Whitecross Street and the active street frontages with visual interest which would be created by the building, it is considered that overall the development would be of benefit to the character and appearance of the immediate streetscenes.

#### **Phase 2 Development**

The scale and siting of Phase 2 buildings is to be considered as part of this application with the external appearance and landscaping being considered at

the reserved matters stage.

### Pelham Street

Fronting the east side of Pelham Street would be the 4 storey commercial building, the private residential building (building 2) and the doctors surgery/pharmacy building with affordable housing above (building 1). The commercial building would be adjacent to the existing part 3 and 4 storey Foyer brick building and would front Pelham Street for a length of 12 metres. There would be a distance of 2 metres between the buildings, and the proposed commercial building would be a height of 14.5 metres above pavement level, and would be 1.5 metres higher than the ridge height of the Foyer building.

The private residential block would also be 5 storeys, however the fourth floor would be set back from the building line on the front, side and rear elevations, which reduces its presence within the streetscene. There would be a gap of 5 metres between this building and the commercial building which would accommodate the pedestrian route from York Place. This block would front Pelham Street for a length of 28 metres and would be a height of 16 metres.

There would then be a gap of 4.5 metres until the doctors surgery/pharmacy building with affordable housing above, which fronts Pelham Street for a length of 54.5 metres. This building would be part four storey part five storeys with the fourth floor again set back from the front, side and rear building lines. The maximum height of this building would be 16.7 metres above pavement level.

Following advice from the Design and Conservation Team, amendments were made to the scheme with a storey removed from the commercial building (previously 5 storeys), and the setting back of the fourth floor on the two residential buildings.

The Design and Conservation Team have now commented that the roofline to Pelham Street is more coherent with these reductions in height. It is considered that the building heights will effectively step down in height along Pelham Street from north to south and the development would be in proportion with the adjacent buildings to the south.

At the reserved matters stage it will be important to ensure an active street frontage to Pelham Street, and ensuring that the main entrances to the residential and commercial, doctors surgery and pharmacy front onto Pelham Street.

It is considered that the building line of the Phase 2 buildings respect the historic grain of Pelham Street.

To the west of Pelham Street would be the public square, café building and the edge of the student/youth hostel building. The café is two storeys in

height with a maximum height of 9 metres and would front Pelham Street for a length of 24 metres. Steps would lead up to the public square to the north of the Phase 1 building and from Pelham Street to the north of the café. The student accommodation/youth hostel building is 3 storeys on the corner of Pelham Street and Cheapside and the side elevation would front Pelham Street for a length of 10.5 metres. The height of this building on the corner would be 10.5 metres.

The entrance to the car park proposed under the public square would be at the ground floor level of this building.

Again, it would be important at the reserved matters stage to ensure an active frontage to the café, not only on the public square frontage but also on the Pelham Street frontage.

#### Cheapside

On the corner of Cheapside and Whitecross Street is the student accommodation/youth hostel building which is 5 storeys on this corner with a maximum height of 16 metres. The ground levels slope down on Cheapside in a west to east direction. This would result in the finished floor level of the ground floor being at pavement level on the western most point of the building, but this would be 3 metres above pavement level at the eastern most point of the building with the basement level being visible in the streetscene. Care would therefore need to be taken at the reserved matters stage to ensure that there would not be a blank 3 metre wall at the eastern most point which would fail to provide interest at street level.

Going in a west to east direction, the height of the building steps down a storey after a length of 24.5 metres. However, due to the difference in ground levels the highest part of the building above pavement level would still be 16 metres. After a length of 15 metres, the building steps down again in height 2 storeys for a small section (3 metres in length). The building would front Cheapside for length of 46.5 metres.

On the other side of Pelham Street, part of the doctors surgery/affordable housing block fronts onto Cheapside. This drops down from five storeys to a height of three storeys in a west to east direction. Again due to the difference in ground levels the top of the ground floor will be a height of 6 metres above ground at the eastern most point of the elevation, and approximately 4 metres at its most western point. The height of the building at this point would be 11.8 metres above pavement level which rises to 13.5 metres on the corner of Cheapside and Pelham Street to the top of the four storey section and 16.5 metres to the fifth storey which is set back from the Cheapside building line.

It is considered that the buildings of Phase 2 now make an effective transition downwards in scale from the north-west of the site, close to the New England Quarter, to the south-east of the site, close to the boundaries of the Valley Gardens and North Laine conservation areas.

Whitecross Street

There would be a gap of 8.5 metres between the Phase 1 building and the nearest phase 2 building which is the educational building. The educational building would be three storeys (11.6 metres) for a length of 9 metres which would rise to 5 storeys (17.95 metres) for a length of 29.5 metres. This is the tallest building of the Phase 2 development and is only 0.05 metres below the threshold for when a Tall Building Statement is required under the requirements of SPG15 Tall Buildings.

There would be a gap of 7 metres between the educational building and the student accommodation/youth hostel building and then the corner of the student accommodation/youth hostel would be visible within the Whitecross Street frontage, which faces the street at an angle.

Pelham Tower currently presents a bland façade to the southern section of the site, and it is considered that this street elevation will be much improved by the proposals. Again it would be important at the reserved matters stage to ensure visual interest at street level through the design of the ground floor, and by incorporating entrances into the educational building which front onto Whitecross Street.

Pedestrian route from York Place

It is proposed to open up the archway on 15 York Place in order to allow a pedestrian route from York Place to Pelham Street. On the north side of this new pedestrian route will be a two storey private residential block (residential building 3) for a length of 19 metres, which would have a maximum height of 9.1 metres. There would then be a gap of 11.5 metres where shared amenity space is proposed, and then the side elevation of the 5 storey residential block which fronts Pelham Street would be present for a length of 12 metres.

On the south side of the pedestrian route would be the side elevation of the two storey residential block (residential building 3) which is present in the south eastern corner of the site which would be a length of 12 metres and a height of 7.5 metres. There would then be a gap of 5.5 metres and then the side elevation of the commercial which fronts onto Pelham Street would be present for a length of 38.5 metres and would be part three, part four storeys in height.

Ground floor parking would be present at the ground floor level of the commercial building, and it will be essential at the reserved matters stage to ensure that this car parking is covered and does not present visible car parking beneath a void. To accord with policy QD5 of the Local Plan this elevation should present an interesting and attractive 'street' frontage and, for the purposes of policy QD7 of the Local Plan, should allow for natural surveillance of this proposed public route.

There are likely to be main windows present along this route on the adjacent



residential buildings, and this will ensure the surveillance of the route. This will be assessed in detail at the reserved matters stage. It is considered that the scale and height of the buildings adjacent to the route is appropriate.

#### Trafalgar Court

The route from Trafalgar Court into the site will be opened up and vehicle access will be provided from Trafalgar Court to the ground level car park within the commercial building. On the east side of the vehicular route will be the two storey residential building (building 3), and on the west side to the north of the remaining Gloucester building will be the commercial building which will be three storeys in height on this section.

Both of these buildings have been reduced by a storey and it is considered that the scale of the extended Trafalgar Court is more appropriate and the new buildings sit more comfortably alongside the retained Gloucester Building.

#### Public Square

The provision of a public square is considered to be a significant benefit of the scheme. At the reserved matters stage it will be important to ensure effective landscaping and accessibility of the square, especially given the difference in levels on the site, and as the square would be higher than the pavement level at the north end of Pelham Street.

The Phase 1 building, and the education, student accommodation/youth hostel and café building would all face onto the public square which will allow for its natural surveillance and should create a lively frontage to the square. At the reserved matters stage it will be essential to ensure an active frontage to the Phase 1 buildings which front onto the square.

#### *Indicative materials of the different elements of Phase 2*

Although purely indicative at this stage it is proposed to use mainly brick facades for the private residential blocks and the commercial building as this would complement the appearance of the Gloucester building and views into the site from the North Laine Conservation Area. The applicant has indicated that render and metal cladding would also be incorporated into the design.

A mainly render façade is indicated for the GP surgery and affordable housing.

Mainly brick facades are indicated for the educational and student accommodation/youth hostel building which face the public square, with a mainly glass façade to the café building.

Materials are considered to be acceptable in principle. However, it will be essential at the reserved matters stage to ensure that the external appearance of the buildings complement each other and the Phase 1 building, whilst still permitted an individual character for each of the buildings.

In summary, whilst the loss of Trafalgar and York are regrettable, it accepted as it is considered that the Phase 2 development, including the demolition of Pelham Tower, will overall be of benefit to the character and appearance of the area. The public square and the improvement of pedestrian routes within the site are a significant benefit to the scheme. It is considered that the scale and layout of the Phase 2 development is acceptable, and care will need to be taken at the reserved matters stage to ensure active street frontages.

#### Strategic Views – Phase 1 & 2

The ES identified a number of key views which were assessed in terms of the existing and proposed views, and how this would impact on the views to and from the Valley Gardens and North Laine conservation areas and the setting of nearby listed buildings, mainly St. Bartholomew's Church and St. Peter's Church.

St. Bartholomew's Church is a Grade 1 listed building and lies just over 200 metres north of the site. St. Peter's Church is Grade II\* Listed and lies within the Valley Gardens Conservation Area to the east of the site.

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

The following views were assessed within the ES:

- View A: Trafalgar Street 1 - taken from south side of Trafalgar Street next to the junction with Frederick Place and looks eastwards towards the site;
- View B: Trafalgar Street 2 - taken from the south side of Trafalgar Street next to the junction with Over Street and looks eastwards towards the site;
- View C: Trafalgar Street 3 - taken from south side of Trafalgar Street next to the junction with Trafalgar gardens Lane and looks eastwards towards the site;
- View D: Whitecross Street - taken from junction of Whitecross Street and Trafalgar Street and looks north along Whitecross Street;
- View E: Pelham Street – taken from junction of Pelham Street and Trafalgar Street and looks north along Pelham Street;
- View F: Pelham Gardens – taken from the south end of Pelham Gardens

and looking north towards the Phase 1 building;

- View G: Sydney Street – taken from the junction of Kensington Street and North Road and looking north along Sydney Street;
- View H: Grand Parade – taken from the south of the junction of Grand Parade and Richmond Parade and looks in a north western direction towards the site;
- View I: John Street – taken from the footpath on the higher open land adjacent to John Street looking across the valley over Grand Parade towards the site;
- View L: St. Peter's Place – taken from the northside of St. Peter's Place near to the junction with Ditchling Rise and looking in a south western direction towards the site;
- View J: New England Street – taken near the corner of New England Street and Blackmore Court looking southwards towards the site;
- View K: St. Peters Street – taken from the junction of St. Peters Place and Ann Street and looking south towards the application site along St. Peter's Street;
- View M: The Level – taken from the centre of the Level looking in a south-west direction towards the site.

The ES classifies the impact in Views A, B and C as being negligible, the impact on view F as being minor beneficial and the impact on views, D, E and G – M as being moderate beneficial.

The Design and Conservation Team agree that there will be negligible impact on the Views A, B and C, as the development would barely be visible from Trafalgar Street.

St. Bartholomew's Church is visible in view D, particularly the gable end. The Phase 2 buildings will block the view of the gable of the Church. However, it is considered that the key view of St. Bartholomew's Church is from Pelham Street (View E) rather than from Whitecross Street, and the Design and Conservation Team consider that it is more important to improve this view rather than protect the view from Whitecross Street.

The Design and Conservation Team have commented that in view E, the listed building of 96 Trafalgar Street is in the foreground, on the corner, however there has been no assessment on the impact on its setting. The Design and Conservation Team consider that its setting will inevitably suffer some harm as a result of the sheer scale of the new Phase 1 building behind it. However, they also consider that its setting has already been

compromised to some degree by the Pelham Tower, and that the impact of the proposal is therefore acceptable.

Following advice from the Design and Conservation Team the application has been amended so that the top two floors of the student accommodation/youth hostel have been set back from the junction of Cheapside and Pelham Street and in addition the café building has been sited further to the west, in order to allow for improved views of St. Bartholomew's Church along Pelham Street. The Design and Conservation Team consider that these amendments have greatly enhanced the key vista along Pelham Street towards St Bartholomew's Church.

Although the proposed Phase 1 building is 7 metres lower than Pelham Tower, it would be sited nearer to the boundary of the North Laine Conservation Area boundary, and would therefore be seen as a similar height from North Laine, in particular from Sydney Street. The Design and Conservation Team consider that its massing and profile is more interesting than the existing Tower and its silhouette would change depending on where it is viewed from. The variations in height of the twin elements above the podium are most evident in views from the north and south, forming an irregular silhouette that they consider would bring interest to the skyline.

In views from the North Laine the Design and Conservation Team consider that the building will certainly provide a very strong contrast with the historic, small-scale streets and buildings over which it would be seen, but with its varied profile, stepped 'front' and extensive glazing it would present a much livelier and lighter appearance than the current bland Pelham Tower with its blank ends, and consider the proposed building would be a distinctive landmark.

It is considered that in shorter views from the north end of Sydney Street, the bulk and height of the Phase 1 building will appear dominant over the character of the small scale terraced properties on Trafalgar Street and the north end of Sydney Street, and it will tower above the small scale character of these properties, causing harm to the character of the conservation area. However, the Design and Conservation Team consider that in medium and longer views from the south end of Sydney Street, the proposal will be of benefit to longer views, due to the demolition of Pelham Tower, and the higher quality design of the Phase 1 building and the visual interest the building would bring to the longer views.

The removal of Pelham Tower in view H from Grand Parade will be of benefit and although the top of the Phase 1 building will be visible over the skyline it is much lower than Theobald House, and the stepped massing of the Phase 1 building reduces its impact in this view.

The Design and Conservation Team also consider that the scheme will result in a beneficial impact on the setting of St. Peter's Church in view I, and that in

view K the view from St. Peter's Place will be very much enhanced with the removal of Pelham Tower.

With regard to views from The Level, it is considered that the removal of Pelham Tower with positive impact on the roofscape of the listed buildings at 5 – 13 Ditchling Road, however, the Phase 1 building will have a negative impact on the roofscape of the listed properties on St. Peter's Place (4 - 9). It is considered that in this view one negative impact is replaced by another, however the Phase 1 building is considered to be a much higher quality design than the existing Pelham Tower.

In addition to the above work, at the request of the Design and Conservation Team further 3D modelling was undertaken and views submitted from the grassed area to the north of St. Peter's church so that the impact of the development on the roofscape of York Place, and the impact on views into the Valley Gardens Conservation Area could be assessed.

It was considered that the Phase 2 buildings to the east of Pelham Street, as originally submitted, would have been visible in views from around St. Peter's Church over the rooftops of York Place terraces. The York Place terraces are within the Valley Gardens Conservation Area. Whilst the Design and Conservation Team recognised that the Phase 1 building would be prominent, they considered that this would be acceptable given the removal of Pelham Tower. However, the Phase 2 buildings would be seen as a continuous massing behind the York Place properties, which would be heightened by the modern flat roofed appearance of the proposed buildings in contrast with the traditional appearance of York Place properties with pitched roofs.

The applicant has amended the scheme and reduced the height of the commercial building and private residential blocks. The Design and Conservation Team have commented that this reduction in height and massing has greatly reduced the impact of the Phase 2 buildings on medium distance views, particularly the view from the north towards and along Pelham Street and, most crucially, the view from within the Valley Gardens conservation area, from around St Peter's Church in particular. In their view, the historic roofline of York Place would now not be harmed by the proposals.

The reduction in height and massing of the Phase 2 buildings will also enable the Phase 1 college building to stand alone as a tall building in longer views, as envisaged by the Development Brief, rather than merging into a more heavily massed development at lower levels.

In summary, it is acknowledged that the Phase 1 building will cause harm to some shorter views within the North Laine Conservation Area. However, the scheme, due to the demolition of Pelham Tower and the higher quality design of the Phase 1 building, will enhance a number of other medium and longer views within the North Laine Conservation Area, and other strategic views as discussed above. On balance, it is considered that the impact of the proposal on views from and to conservation areas is acceptable and on balance the

scheme would not adversely impact on the setting of any listed buildings.

### Amenity

#### Adjacent occupiers

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

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.

#### Daylight

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

In total 491 windows were assessed on properties adjacent to the application site. 56 windows were found to have a VSC of less than 27% and a reduction of more than 20% in light levels received. (Figure 1 within the ES wrongly states this figure as being 47 windows). Of these windows 13 serve ancillary commercial space at the ground floor or domestic windows which serve bathrooms or hallways/stairs.

The properties which are most adversely affected are those on Trafalgar Street, whose rear elevations face the proposed Phase 1 building, and the Foyer building on Pelham Street whose front elevation faces the Phase 1 building. The reductions in daylight are more profound with these properties as they currently face onto the College's car park, and therefore receive more light levels than would normally be expected within a City centre site.

The following windows on Trafalgar Street properties (13 in total) would not meet the BRE guide as a result of the development:

- 2 Whitecross Street: 1 window which is ground floor secondary window to lounge (21.4% reduction);
- 1 Whitecross Street: 1 window which is ground floor secondary window to lounge (26.7% reduction);
- 94 Trafalgar Street: 2 windows, second floor bedroom, and second floor bedroom or bathroom (20.4% and 20.8% reduction);
- 91 Trafalgar Street: 2 windows, second floor bedroom and first floor kitchen (34.7% and 30.2% reduction);
- 90 Trafalgar Street: 2 windows, second floor bedroom and first floor



- kitchen (33.1% and 31.3% reduction);
- 89 Trafalgar Street: 1 window, second floor bedroom (31.8% reduction);
- Flat 1 87 Trafalgar Street: 1 window bedroom (37% reduction);
- Flat 2 87 Trafalgar Street: 1 window bedroom (29% reduction);
- 76 – 87 Trafalgar Street: 2 windows which along with another window serve a lounge (20.7% and 21.9% reduction).

13 windows in the Foyer building which serve offices or teaching space along with 17 which serve bedrooms would also not meet the BRE guide as a result of the development (20.1% - 36% reduction).

The percentage reductions are 20.37% and 20.74% for 94 Trafalgar Street which are only marginally over the 20% BRE guide for when loss of daylight would be noticeable. In this respect the impact is not considered to be significant. The same could be said for 4 of the windows on the Foyer building which are below 21% reduction.

The windows on the Foyer building serve teaching accommodation and offices at ground floor with bedrooms at the upper ground levels. The Foyer building is in use as a 'half way house', with residents only staying at the premises for a limited amount of time. Given that the Foyer building would face the smallest section of the Phase 1 building (first floor dance studio and the third floor podium), it is considered that any redevelopment which would restore the Pelham Street building lines would result in the windows of the Foyer building receiving daylight (and sunlight) levels which are below the BRE guide.

The windows on 1 and 2 Whitecross Street are secondary windows to a lounge. At both properties there are French doors also serving the lounge areas, and daylight to these would still meet the BRE guide. Given that these are secondary windows it is considered that the impact is acceptable.

With regard to the two side windows on 76 – 87 Trafalgar Street, they, along with another window, serve a lounge area. Given that there is another window which serves the lounge which meets the BRE guidance, and as the percentage reductions are only just over the BRE guide (20.7% and 21.9% reduction), it is considered that this impact will be acceptable.

Seven windows on Trafalgar Street properties would be adversely impacted. These are a kitchen and bedroom window at both 90 and 91 Trafalgar Street, a bedroom window at 89, and a bedroom window at Flats 1 and 2, 87 Trafalgar Street. Five of these windows would receive a Vertical Sky Component of more than 19%. The ES argues that in inner urban areas a Vertical Sky Component of 19% is acceptable due to the built up nature of development. This is not stated within the BRE guidance which does not set different criteria for suburban and more densely built up sites. The argument put forward in the ES regarding the VSC is accepted to some degree, as this area of Brighton is characterised by limited interface distances between

dwellings which does impact on light levels received by windows.

However, it is still considered that the loss of light to these seven windows would be noticeable to these residents. It is acknowledged that at present, they receive higher levels of daylight than would normally be expecting within this area as they face onto the surface car park.

### Sunlight

In accordance with the BRE guidance standard access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south. If the window can still receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours during the winter months, then the room should still receive enough sunlight. If the available sunlight hours are less than this and have decreased by more than 20% of their former value, then the occupants of the building will notice the loss of sunlight. The BRE guidance states that these guidelines are purely advisable and that local authorities may wish to use different criteria for sunlight based on particular types of development in particular areas.

The BRE guidance advises that kitchens and bedrooms are less important than living rooms.

A total of 315 windows were assessed on surrounding properties on Cheapside, York Place, Trafalgar Court Trafalgar Street, Theobold House and the Foyer building. Of these windows, 25 would receive more sunlight as a result of the development, with 261 receiving a negligible decrease (less than 20% reduction). This is mainly due to the demolition of Pelham Tower and buildings to the east of Pelham Street.

However, 29 windows would receive a reduction of more than 20%, and therefore the loss of sunlight would be noticeable to these rooms.

Of these windows 25 are either ancillary commercial or bedrooms/kitchens. It is therefore considered that the impact on these with regard to loss of sunlight is acceptable given the BRE guidance that these are classed as less important with regard to sunlight.

The remaining 4 windows serve living areas:

- 1 – 110 Theobold House: 3 windows serving living areas (23.1 – 33.3% reduction).
- St. Peter's House York Place: 1 window serving a living area (51.4% reduction).

The affected windows on Theobold House face due south. The Phase 1 building is to the west of these windows. It is therefore considered that

sunlight will only be reduced for a proportion of the day. In addition, sunlight is also blocked due to the design of Theobold House, as overhanging balconies block sunlight to the balconies and living area windows below. The ES consultants have carried out additional modelling work which concluded that the windows would receive sunlight levels in accordance with the BRE guide, if these overhanging balconies were not present.

The window on St Peter's House is already obscured by high boundary walls which do not appear to have been included within the sunlight assessment. The Phase 2 scheme has since been reduced in height and siting, and the northern wing of the private residential block 2 has been removed from the scheme. It is therefore considered that the amended scheme would have a beneficial impact on sunlight to this window due to the demolition of York and Trafalgar buildings and their associated extensions.

Given that the sunlight levels to a number of windows will increase as a result of the proposal, it is considered that the adverse impact on the 3 windows of Theobold House is acceptable.

#### Overshadowing

A number of amenity spaces of properties on New England Street, York Place and Trafalgar Street were assessed with regard to the overshadowing impact the development would cause. The BRE standard for when amenity areas are adequately lit is that no more than two-fifths and preferably no more than a quarter of any garden or amenity area, should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive some sun on 21 March is less than a 20% reduction, then the loss of sunlight is likely to be acceptable.

Of all of the amenity areas assessed the reduction in sunlight ranges from 0% to 8%. As this is less than 20%, it is considered that the proposal would not be of detriment to the amount of sunlight received at surrounding amenity spaces. Properties to the south of the Phase 1 building on Trafalgar Street will not receive any adverse overshadowing due to their orientation due south of the proposed building. Properties on York Place which are due east of the proposed building of Phase 2 will receive limited overshadowing, however these reductions ranges from range up to 8% and therefore meets the BRE guideline. In addition, the height and bulk of the Phase 2 buildings have been reduced in scale since the overshadowing study was carried out and it is considered that for many amenity areas the result will now be beneficial due to the demolition of York and Trafalgar buildings and their associated extensions.

#### Privacy/Over-dominance

There are residential windows on the rear elevations of upper floors of 87 – 96 Trafalgar Street which directly face the southern elevation of the Phase 1 building. Windows on 1 and 2 Pelham Street and 1 and 2 Whitecross Street

are at right angles to the Phase 1 building. There are roof terraces present at 1 and 2 Pelham Street and rear gardens present at 1 and 2 Whitecross Street along with some of the Trafalgar Street properties.

Windows present at on the southern elevation of the proposed Phase 1 building at the ground, first and second floors are of various styles and sizes. Proposed windows at the first and second floors which face onto the rear elevation of 89 and 90 Trafalgar Street are narrow vertical strips which would prevent overlooking. These types of windows are also proposed at the ground and first floors which face 92 and 93 Trafalgar Street.

Larger windows are proposed which would face onto ground, first and second floors which would face onto the rear elevation of 91 Trafalgar Street, the access from Redcross Street and the rear of 92 – 95 Trafalgar Street. These would be a distance of between 15 metres (91 Trafalgar Street) and more than 20 metres to upper floor windows present at 92 – 95 Trafalgar Street. Given these distances, it is considered that the overlooking impact to the rear of properties on Trafalgar Street would not be significant, especially given the character of the North Laine area which is predominantly characterised by dwellings/buildings with limited back to back distances.

The area of the third floor podium which can be used as a roof terrace has been reduced in size with the area nearest to 1 and 2 Whitecross Street removed.

The roof terrace area would be 15 metres from the second floor bedroom window of 91 Trafalgar Street, which again is considered to be a sufficient distance. A detailed plan of those areas to be used as seating areas and those areas to be used as planting, along with privacy screens, is proposed as a condition.

The roof terrace over the dance studio would be sufficient height above the first floor terrace area at 2 Pelham Street and the nearest windows on the rear elevations of 94 and 95 Trafalgar Street (nearest window being approximately 11 metres away), to prevent any direct overlooking.

Balconies are proposed at the fourth – eighth floors on the 9 storey section of the building which face southwards, along with the main roof terrace area at the fifth floor. It is considered that will these be a sufficient height above and distance away from the rear of properties and would not have a significant impact on privacy to the Trafalgar Street properties.

The Foyer building would be a distance of 12 metres away from the eastern elevation of the Phase 1 building and roof terrace over the dance studio. However, the height of the top of the balustrade would be 1.6 metres higher than the eaves height of the Foyer building. This height difference would prevent any direct overlooking into the bedroom windows of the Foyer building.

It is considered that Theobold House and Trafalgar View are sufficient distance away from the Phase 1 building and there would not be a significant loss of privacy at these buildings.

The rear garden of 2 Whitecross Street borders the boundary with the application site. The height of the third floor section of the Phase 1 building will be 0.4 metres higher than the ridge height and 2.4 metres higher than the eaves height of 2 Whitecross Street. Presently directly next to the garden of 2 Whitecross Street, running in a west to east direction is a passageway. The Phase 1 building would be sited directly adjacent to this, and would be 2.5 metres away from the edge of the garden and a height of 11 metres above the ground level of the garden 2 Whitecross Street. It is considered that this wall would be overbearing when viewed from the garden, especially given that there are no buildings currently in this location. The applicant investigated the possibility of the removing a section of the second floor adjacent to the boundary with 2 Whitecross, however they did not consider that this was feasible in terms of the overall design of the building and the floorspace which would be lost.

The rear elevation of properties on York Place would face the proposed Phase 2 buildings sited to the east of Pelham Street. External appearance is not considered as part of this application, however, it is considered that the proposed buildings are sited sufficient distance away from the site boundary to ensure that a significant loss of privacy will not occur to properties on York Place.

Cheapside and Trafalgar buildings and their associated extensions, which extend to the site boundary are to be demolished. A car park is proposed adjacent to the boundary with St Peter's House and 25 – 30 York Place. An amenity area is proposed adjacent to the south elevation of St. Peter's House and 18 – 23 York Place. With regard to over-bearing impact and impact on aspect of these properties, it is considered that the proposal will have a beneficial impact on these properties due to the demolition of the existing buildings on the boundary.

The side elevation of the two storey section of residential block 2 would abut the site boundary with 17 York Place. At the reserved matters stage it should be ensured that there are no main windows within this side elevation. 17 York Place has commercial at the ground floor with the residential element being located away from the site boundary. However, there is a roof terrace area at the first floor at 17 York Place. York building is already located to the south of this roof terrace area with an extension to York located directly to the west of the terrace. The existing extension is 9.1 metres at its highest point, although this roof is hipped away from the site boundary. The proposed building would be 9.1 metres in height. It is considered that there would not be a significant additional impact on 17 York Place with regard to over-dominance and loss of aspect.

The rear elevation of the two storey residential block 3 is located 5 to 7 metres from the site boundary. However, the adjacent properties at York Place are commercial at ground floor level with the upper residential accommodation being located approximately 7 to 10 metres from the site boundary. There would therefore be an interface distance of between 12 – 17 metres which is considered to be acceptable and would not reduce in a loss of privacy.

Properties to the north of the site on Cheapside are a mixture of commercial and residential. The nearest residential properties would be located 15 metres away on the north side of Cheapside. It is considered that this relationship is acceptable and the interface distances are sufficient for there to not be a significant impact on privacy or outlook.

In summary, there would be an adverse impact on daylight levels received by seven windows of the rear of Trafalgar Street properties which serve kitchens or bedrooms. The three storey podium of the Phase 1 building would be over-bearing when viewed from the rear amenity areas of 1 and 2 Whitecross Street. Three windows on Theobold House would be adversely impacted with regard to levels of sunlight. However, there would be benefits to the amount of sunlight windows on properties on York Place would receive as a result of the demolition of York and Cheapside and their associated extensions. It is considered that the scheme would not significantly impact on the privacy of adjacent residents and would not cause overshadowing to adjacent amenity space.

Some properties on Trafalgar Street/Whitecross Street will receive a reduction in their current levels of residential amenity. However, given the overall benefits of the scheme and the improvement in amenity levels of properties on York Place, on balance it is considered that the scheme is acceptable.

#### Odours

Environmental Health officers have recommended a number of conditions with regard to odour control machinery for the Phase 1 building, and these are recommended.

The main refuse store to the Phase 1 building is located adjacent to the rear of properties on Trafalgar Street. This could result in odour nuisance. A condition is proposed to require full details of the design and specification of the storage skips to ensure that they do not give rise to any adverse impact on amenity.

#### **Future residents of the proposed development**

##### Daylight and sunlight

Policy QD27 seeks to ensure that development is not permitted which would result in a poor level of amenity for proposed occupiers.



As part of the ES the daylight and sunlight levels each façade of the new buildings would receive was assessed. This assessment showed that much of the facades of the residential blocks would receive a Vertical Sky Component of less than 27% which is below the BRE guidance.

As a result of this, the applicant was asked to carry out additional assessments. Part of this assessment was to prepare indicative layouts for the residential buildings 1 (affordable) and 2 (private) and to calculate the average daylight factor for the proposed residential rooms. BS8206-2:2008 advises that the average daylight factor is used as the measure of general illumination from skylight, and it is considered good practice to ensure that rooms in dwellings and in most other buildings have a predominantly day lit appearance. In order to achieve this, the average daylight factor for a room should be 2%.

The size and siting of the private residential block 2 has been reduced significantly with a northern wing projecting on an east-west axis removed from the scheme. A southern wing has also been removed, and instead a small separate two storey building to the north of the new pedestrian route is proposed. This also benefits the levels of amenity space proposed, as the area where the northern wing was proposed has now been included within the shared amenity space.

The additional assessments carried out by the applicant with regard to the amended scheme shows that all of the rooms apart from a bedroom to one of the flats within the residential building 2 (private) will receive an average daylight factor of more than 2%. This has been achieved by proposing a number of windows to each room on the indicative layout and incorporating projecting bay windows into the design to maximise light. It is now considered that the proposed residential blocks should receive sufficient daylight and there are detailed design factors which can be incorporated to achieve this. These would be considered in detail at the reserved matters stage.

With regard to the levels of sunlight which would be received by windows on the proposed residential blocks, the additional assessment still shows that a number of windows would receive levels of sunlight which are below the BRE guide. However, the indicative layout shows that the majority of these are for windows which serve bedrooms or kitchens. The BRE guide makes it clear that with regard to sunlight, living rooms are more important. The indicative internal layouts show that there would be 2 flats within residential building 2, where the living rooms would receive levels of sunlight which are below the BRE guide.

The axis of the residential blocks are mainly on a north south axis, where the majority of main windows would face due west or due east, which limits the amount of sunlight which can be achieved. As discussed within the design section of this report, it is considered important to have a strong building line along Pelham Street which results in this north/south axis. In light of this, and

as the applicant has demonstrated that at the detailed design stage for Phase 2, the flats could be designed as such (internal layout and number and design of windows) so that rooms achieve an adequate average daylight factor, on balance it is considered that the levels of light which would be achieved to the flats would be reasonable, and the majority of windows would meet BRE guidance.

#### Overshadowing

The amount of overshadowing which would be experienced to the proposed amenity areas, as a result of Phase 1 and Phase 2 buildings was also assessed as part of the ES.

The following amenity areas were assessed:

- Roof terrace areas of the Phase 1 building;
- Public square;
- Children's play area and amenity area adjacent to the private residential building 2.

The ES predicted that on 21 March no more than 1/5 of the areas would be prevented by having any sun by the proposed and surrounding buildings. This therefore meets the guidance within the BRE guide. The overshadowing should also now be less than originally calculated due to the reduction in siting and size of the private residential block 2.

The amenity areas to the east of residential building block 3 were not included within the assessment. However, they are obstructed to a lesser degree than the amenity areas adjacent to the residential building 2 (before the scheme was amended), so it is therefore considered that these should meet the BRE standard.

#### Privacy/over-dominance

The western elevation of the private residential block (building 2) which fronts Pelham Street would be 12 metres away from the Phase 1 building and associated roof terraces. It is highly likely that there would be main windows present on the western facing elevation. However, it is considered that this distance is appropriate for this City centre site and would not significantly impact on the privacy of future residents of the scheme.

The western elevation of the residential block 1 would be a distance of 14.5 metres from the café and the side elevation of the student accommodation/youth hostel. Again it is considered that this distance is sufficient to prevent any adverse impact on privacy.

The western elevation of residential block 3 would face the commercial block and would be a distance of 7 metres. Main windows would be likely to be present on the eastern elevation of this residential block. At the reserved matters stage care would need to be taken with regard to the openings on the

commercial building to ensure that no adverse overlooking would occur to the residential block. The same can be said of the south elevations of residential buildings 2 which also face the north elevation of the commercial building and would be a distance of 5 metres.

In summary, it is considered that the living conditions for future residents of the scheme will be acceptable.

Wind microclimate assessment

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 with and around the buildings proposed.

As part of the ES a wind assessment has been submitted which assesses the impact of the development on the local wind climate. In particular it considers the potential impacts of wind on pedestrian comfort and safety around the development. 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 conform and safety.

The following spaces/routes are considered to be important in terms of their environment.

- Facades of building where entrances are to be located;
- Pedestrian routes around and through the site;
- Roof terrace areas of the Phase 1 building;
- Roof terrace areas of the Phase 2 buildings;
- Public square (Phase 2);
- Ground floor amenity space (Phase 2).

Lawson comfort criteria have been used which are based around threshold values of wind speeds for different pedestrian activities and are established in use for building developments throughout the UK. The criteria reflect the fact that leisurely activity such as sitting requires a low wind speed, whereas for more transient activity (such as walking), pedestrians will tolerate stronger winds.

The Lawson Comfort Criteria are included within the below table:

Sitting	Appropriate for long-term sitting, for example, sitting outside a café.
Entrance doors	Appropriate for pedestrians entering/leaving a building.
Standing	Appropriate for waiting at bus stops, window shopping etc.
Leisure walking	Appropriate for strolling.
Business walking	Appropriate for more 'purposeful' walking or where,

	in a business district, pedestrians may be more tolerant of the wind because their presence on site is required for work.
Roadways/car parks	Appropriate for more open areas where pedestrians are not expected to linger.

Phase 1 building

At the podium third floor level roof terrace of the Phase 1 building, the ES found that the southern and eastern facades of the building which open onto the outdoor area would be suitable for standing/entrance use throughout the year. However, conditions would become more windier as you move towards the edge of the podium, particularly when the prevailing winds blow, resulting in leisure walking conditions on the edge of the podium.

The third floor roof terrace area to the west of the largest section of the Phase 1 building which fronts onto Whitecross Street would be exposed to the prevailing winds and is expected to experience relatively higher speeds. The ES found that the worst case scenario would be business walking conditions which would make the terrace area not suitable for sitting.

The fifth floor terrace area is considered to be the main outdoor area of the Phase 1 building. The ES shows that it would be relatively exposed to the prevailing, secondary and costal wind directions. Therefore, there would be areas on the terrace that are expected to be windier than desired throughout the year. Parts of the terrace immediately southeast of the building are relatively sheltered throughout the year, and are classified as suitable for sitting. However, as you travel south east, the open area along the perimeter of the terrace and around its northeast and southwest corners experience stronger winds suitable for leisure and business walking during the windiest season. During the summer season the local wind microclimate will be calmer and suitable for standing and leisure walking along the outer perimeter of the terrace.

As part of the ES landscaping or planting was not included as part of the computational model in order to provide a conservative, i.e. relatively windy representation of the local microclimate. The ES considers that planting and other landscaping enhancements will increase shelter within the development. However, no detail of these exact measures have been included within the ES or information given on the impact such features will have on the wind conditions of the development. It is considered that this could be adequately controlled via a condition, and the proposed additional screening would not have an adverse impact on neighbours by reason of its overbearing impact.

However, it is considered that the findings do show that part of the roof terrace will be acceptable for sitting, and a detailed landscaping, planting and seating plan could be secured by condition in order to improve the microclimate for the rest of the terrace area, and to ensure that planting rather

than seating is secured for those areas of the terrace which are worse impacted.

With regard to the terrace area to the west of the building (fronting Whitecross Street), the ES considers that in order for this to be used as any sort of amenity space, a series of suitable screens would need to be installed. It is considered that this is not an essential area of amenity for the college, however the screening needed could be secured via a condition.

The ground floor main entrances to the Phase 1 building would be subject to standing/entrance wind conditions in the worst case scenario and this is considered to be acceptable.

## Phase 2

### Public square

The ES predicts that the public square would be sheltered from the prevailing southwest winds due to the presence of the 3 surrounding buildings, and that the local wind microclimate would be relatively calm for most of the year. The ES considers this to be significant as winds from the southwest quadrant are the strongest and most frequent. However, the ES found that during the winter and spring seasons, windier conditions are likely as the north-easterly winds blow and relatively higher wind speeds are experienced to an area directly north of the Phase1 building.

The ES considers that within the central area of the square the wind microclimate will be suitable for the intended pedestrian use of this space and conditions are likely to be suitable for sitting in the summer season. The worst case scenario show that leisure walking conditions are expected along the outer edge of the public square, within the vicinity of the steps to the north of the Phase 1 building. However, this is suitable for the use of this section as a pedestrian thoroughfare rather than a seating area.

### Pelham Street

The ES findings show that Pelham Street would be most exposed to the southerly coastal winds, and would also be subject to local accelerations within the area adjacent to the Phase 1 building when prevailing and secondary winds blow. However, the ES classifies the local microclimate for the southern section of Pelham Street as suitable for standing/entrance use during the worst case season. This would improve to sitting use for the northern section of Pelham Street, mainly as a result of the low-rise nature of the café building. The microclimate of Pelham Street is therefore considered to be appropriate to its use as a pedestrian thoroughfare.

### Pedestrian route to York Place

The ES shows that conditions along this passageway will be suitable for sitting and this is considered to be more than appropriate in terms of the microclimate for a pedestrian thoroughfare.

Perimeter of Phase 2 buildings

The ES shows that worst case conditions at the ground floor adjacent to all of the phase 2 buildings will be suitable for standing/entrances, except for some areas around the educational phase 2 building. Part of the western facing elevation along with the southern facing elevation of the Phase 2 building, would experience leisure walking conditions. However, if at the detailed design stage, entrances were proposed on these sections of the elevations, mitigation measures in the form of vertical screening or entrance recessing could be incorporated into the design which would provide a buffer zone for pedestrians entering and existing the building.

Ground floor amenity space

Amenity space is proposed to the east of residential buildings 2 and 3. The ES anticipates that the amenity space to the east of residential block 3 will be suitable for sitting in the worst case scenario and part of the amenity space to the east of residential block 2 will be suitable for sitting with part of it suitable for standing/entrances. As it is anticipated that this will be a shared amenity space, it is considered that microclimate will be acceptable as residents can chose the most appropriate areas in which to sit.

The children's play area which is proposed adjacent to residential blocks 1 and 2 would be sheltered from prevailing winds but picks up slightly windier conditions for winds from the NE and the south. The overall assessment is for standing/entrances conditions during the windiest conditions. The ES consultants anticipate that with planting and the lower wind speeds in the summer, this area would be suitable for sitting.

Roof terrace areas of Phase 2 buildings

The roof terrace areas of the Phase 2 buildings have not been assessed as part of the ES. However, wind speed maps have been submitted for the whole of the site which show these areas would experience low wind speeds. It is therefore considered that the microclimate for these areas will be acceptable for their intended use.

In summary it is considered that the microclimate for the different areas of outside space will be acceptable for their intended uses.

**Amenity space provision**

Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development.

The amenity space provision is shown on the plan P005 Rev A, and is a mixture of roof terraces and ground floor garden space.

The areas of the roof terraces are indicative as the design implications would need to be fully assessed as part of the reserved matters application, and the



applicant would need to demonstrate that they would not cause overlooking. They may need to be set back from the edge of the roofs in order to limit the impact of any balustrades on the streetscene and to prevent any adverse overlooking. This would reduce the floor areas of the roof terraces given on plan P005 Rev A. The applicant has agreed that the areas of roof terrace are indicative at this stage and will be determined as part of the reserved matters application.

With regard to the residential elements of the scheme, shared amenity space in the form of two roof terraces are proposed for the residential block 1 (affordable). This indicative area would equate to 403 sq. metres.

A large ground floor area of shared amenity space for the private residential block 2. The indicative area would equate to 748 sq. metres.

Rear gardens are proposed to the residential block 3 which would equate to 153 sq metres (indicative). It is indicated that these will be dwelling houses and would each have private rear gardens.

The plans also indicate that balconies would be provided to the residential blocks 1 and 2, although this would be considered at the reserved matters stage.

A children's play area is proposed which be accessible to all of the residential units (affordable and private). This area would be 100 sq. metres. This is substantially short of the area requested by planning policy (464sq metres). However, a contribution will be sought towards the provision and improvement of recreational open space, which will include children's play. The exact figure will be determined at the reserved matters stage as it will be based on the number of residential units and dwelling mix. This is estimated at being £105,456 based on the indicative number of residential units which have been provided by the applicant (60 units).

Roof terrace areas are proposed to the student accommodation/youth hostel building and to the Phase 2 educational building are also proposed. Again these areas are indicative.

The roof terrace areas to the Phase 1 building have already been discussed within this report.

Access to the public square would be available to all residents/occupants of the scheme.

It is considered that the scheme does demonstrate that sufficient amenity space can be provided for the residential elements of the Phase 2 proposals, especially given the sites City centre location where amenity space levels are characteristically lower than more suburban parts of the City.

### **Noise/vibration/dust**

Policy SU9 and SU10 seek to ensure that development is not permitted which would cause a nuisance or noise disturbance to occupiers of adjacent or proposed buildings. The main nuisances associated with this development are considered to be as a result of the demolition and construction periods.

The proposed sequence of construction is summarised below:

- Summer/Spring 2009: Start on site basement excavation;
- Summer 2009 – Summer 2011: Construction of Phase 1 building;
- Summer 2011: College transfers to Phase 1 building;
- Summer 2011 – Summer 2013 Demolition and construction of Phase 2 buildings.

A more detailed phasing plan is proposed to be secured through the Section 106 agreement.

The ES states that the details of the methods and plant likely to be used during the demolition and construction phases have yet to be formulated. At this stage of the scheme's design it is not possible to state precisely where plant will operate and for how long. Therefore noise levels have been calculated for a maximum worst case scenario.

The ES concludes that the construction noise as a result of the proposal would have a temporary major adverse impact, construction traffic would have a negligible impact and construction vibration would have a temporary minor adverse impact.

It is proposed to secure a Construction Environmental Management Plan (CEMP) through the Section 106 agreement, in which a framework of limits would need to be agreed with the Council which normally include terms of working hours, maximum noise and vibration levels, machinery to be used, traffic routes for demolition/construction facilities/wheel washing facilities, measures to suppress and control dust and other good practice by the contractors.

It is acknowledged that the scheme would result in a temporary significant disturbance to adjacent occupiers, however, it is considered that the CEMP will control this disturbance and the council's Environmental Health Officers have no objections subject to a CEMP being secured.

### **Highways**

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.

A Transport Assessment (TA) has been submitted with the application.

Pelham Street currently provides the access for delivery vehicles to the College, and a single yellow line prevents cars from parking along the western edge of the carriageway. Parking is restricted on the opposite side of the carriageway. Parking is restricted on the opposite side of the carriageway to powered two wheel vehicles, residents permit holders during daytime hours and drivers who pay and display (max 2 hour duration). Whitecross Street also provides access to the College's staff car park. This car park is egressed via Redcross Street onto Trafalgar Street.

It is proposed that Pelham Street be closed to through traffic other than cycles. Vehicular access would remain on the northern and southern stretches only in order to allow delivery and service access to the Phase 1 development (from the south) and the car park below the public square (from the north).

Closing Pelham Street to through traffic would mean a diversion for traffic seeking to pass between Cheapside and Trafalgar Street from Pelham Street onto Whitecross Street. Drivers who wish to enter Pelham Square would be significantly disadvantaged by the closure of Pelham Street as Trafalgar Street is one way at this point. It is therefore proposed that Trafalgar Street is made two way between Sydney Street and the entrance to Pelham Square, and the current restrictions to left turning traffic from Whitecross Street onto Trafalgar Street be removed in order to permit access to Pelham Square from the north via Whitecross Street.

The Council's Highway Officer has commented that physical measures would be used to enforce the prohibition of through traffic in Pelham Street and this is satisfactory subject to the establishment of a S278 agreement for the works and provision for the applicants to fund the TRO procedures required. The applicants have demonstrated effectively using standard methods that the extra vehicular trips generated will not cause adverse traffic effects.

It is proposed that Trafalgar Court, which is a cul-de-sac, be opened up in order to provide access to the car parking area at the ground floor level of the commercial building.

Car parking for the doctor's surgery would be accessed via Cheapside using an existing access point to the east of the Pelham Street junction.

The TA concluded that the development would lead to a small increase in vehicular traffic accessing the site during the weekday peak periods. However, the TA found that this additional traffic can be accommodated on the local highway network without impacting on its operation. The Council's Highway Officers support the findings of the TA.

With regard to the sustainable modes and S106 contributions the Highway

Officer has commented that the quantity of provision for sustainable modes around this site is good but the quality of this provision is not considered comprehensively in the Transport Assessment. Existing provision costs money to maintain and improve and improvements to the area are being considered by the Council's Transport Planning Team. Application of the standard contributions formula suggest that a contribution of £102,534 would be appropriate for the 'commercial' i.e. employment and housing elements of the development on the basis of the revised schedule of development. A S106 agreement making provision for this should be required as part of any consent.

#### Car parking

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'.

Currently 118 spaces are provided at Pelham Street car park for staff of the City College. The College do not propose any general parking for the college. A Framework Travel Plan has been developed in order to provide a strategy to encourage alternative modes of transport, particularly for staff travelling to the College to work.

Staff wishing to still drive will have to park in one of the publicly available car parks which are available in the vicinity of the site.

A total of 72 parking spaces are proposed beneath the public square. Three parking spaces are to be provided for the youth hostel. The TA states that there will be 3 members of staff living on site. However, the other supporting documentation to the application does not define a break down of internal floor area between the 2 uses in this building (youth hostel and student accommodation), not do they specify numbers of staff. Within this car park 15 spaces are proposed for disabled bays and minibus parking for the City College. The remaining 54 spaces will be provided for the residential development to the east of Pelham Street.

The Doctor's Surgery will be provided with 10 car parking spaces, accessed via a separate access from Cheapside. 15 car parking spaces are proposed at the ground floor of the commercial building.

The Council's Highway Officers support the applicant's intention to provide no general parking for the college, student accommodation and youth hostel except for 3 spaces for hostel staff. They consider that this is consistent with national and local policies and is supported by

- The commitment to the travel plan process demonstrated by the college.
- The central location of the site and associated high availability of sustainable transport facilities locally.
- The local parking controls and intensity which indicate that little if any displaced parking will take place.

52 spaces are to be provided for an indicative 60 residential units. There is no parking provided for the student accommodation. It is proposed to require that the residential units as well as the student accommodation would not be eligible for resident parking permits. It is therefore considered that the scheme should not place undue stress on on-street parking levels in the vicinity of the site.

#### Disabled parking

SPG4 requires 9 spaces for the college and 8 for the student accommodation. The applicants have argued however in this case that there is scope for the shared use of disabled bays between these uses as the students living in the accommodation will live and study on site, and this is accepted by the Council's Highway Officers.

However, the proposal to provide only 1 space for the youth hostel is considered unacceptable by the Council's Highway Officer. SPG4 does not set standards for youth hostels. If the housing standards were used then 15 spaces would be required, and if the hostel was regarded as a hotel it would be 1 space. It is proposed that an initial provision of 3 spaces should be required by condition. The applicant's have agreed to this. This would result in the loss of 3 residential parking spaces.

The applicants do not propose to provide any disabled parking for the residential use and this is unacceptable. The Council's Highway Officers have commented that the provision of 6 spaces in the proposed car parking areas to the east of Pelham Street should be required by condition. 10% of the private and affordable housing will be wheelchair accessible units, which based on the indicative number of units would equate to a total of 6 units. It is therefore essential to require that these spaces are to the east of Pelham Street rather than within the basement car park, as this basement car park will not provide a convenient accessible route from the car park to the residential blocks for wheelchair users.

It is therefore considered that disabled access for the affordable housing block will need to be provided within the car park to the doctors surgery and the ground floor of the commercial building. This would result in the displacement of parking spaces for the commercial and doctor's surgery to the car park under the public square.

#### Deliveries and access

Deliveries to the Phase 1 building are to be provided via an underground service area accessed via a ramp from Pelham Street. Delivery vehicles up to a maximum height clearance of 4.2 metres would access the delivery area by reversing down the ramp from Pelham Street. The TA states that a management regime would be developed in order to ensure that this manoeuvre can be safely accommodated on Pelham Street.

Skip wagons requiring greater headroom to deliver and collect skips will be catered for by a ground level skip area directly to the south of the ramped delivery access. This has been designed to permit skip wagons to reverse back from Pelham Street and deliver/collect skips without obstructing the pavement or carriageway.

The delivery and skip areas are adjacent to residential properties on Trafalgar Street and the Foyer building, Pelham Street. There could be potentially noise disturbance as a result of the deliveries/skip collection, especially given that all vehicles have to reverse. The delivery area is covered at basement level which would screen some of the unloading noise. It is therefore proposed to restrict general deliveries from after 7.30 Monday to Friday and skip delivery/collection from 8am onwards Monday to Friday. All deliveries/collection would be restricted from 9am on a Saturday with no deliveries/collection on a Sunday.

#### Cycling facilities

Policy TR15 requires developments which affect existing cycle routes to protect the alignments of proposed cycle routes and enhance them.

The City College currently has parking for 40 bicycles. Pelham Street forms part of the National Cycle Network, joining with Route 20 to Withdean via St. Peter's Street and Providence Place. Further linkages are provided to other national Cycle Network Routes, included Route 90 and Route 2.

It is considered that the closure of Pelham Street will improve the facilities for cyclists, however, it would be necessary to ensure that there is a designated cycle path on Pelham Street in order to ensure there is no conflict between cyclists and pedestrians.

Originally 58 cycle parking spaces were proposed for use by the college at the main pedestrian route into the college at Redcross Street and for the Phase 2 college building. The Council's Highway Officer's have commented that this is below the Council's maximum standards for cycle parking, the number of spaces for the college should be increased to 66 as required by SPG4 and this should be secured by condition. The applicant has agreed to this.

Based on the indicative details, the phase 2 development will require the following provision for cycle parking:

- Student accommodation: 28 spaces;
- Youth hostel: 49 spaces;
- Café: 3 spaces;
- Surgery: 5 spaces;
- Residential: 80 spaces;
- Employment use: 10 spaces.

The exact location of the cycle parking will need to be determined at the



reserved matters stage. It is considered some of the cycle parking will need to be provided within buildings with some of the provision being provided externally. It will be important at the reserved matters stage that outside cycle parking provision does not use up any of the shared amenity space and would not take up a significant proportion of the public square.

#### Travel Plan

The applicants have provided a framework travel plan for the college as part of the application and intend to provide a detailed plan following further consultation, surveys and monitoring in summer 2009. This will identify measures to encourage users to travel by sustainable modes before the existing car park is closed, which is currently proposed to happen at the end of 2009. The Council's Highway Officer's have commented that the provision of cycle and disabled parking would need to be monitored annually.

#### Construction period

As the current disabled and cycle parking arrangements for the whole of the site will be lost during the construction period, the applicants have been working with officers to ensure the provision of alternative disabled and cycle parking during the construction period. It is proposed to include a requirement within the Section 106 Agreement for the necessary measures to be in place before development commences. This should also include annual monitoring.

#### Ecology and Trees

The ES concludes that the site has a negligible nature conservation value, and the Council's Ecologist agrees with this. There are several planted trees along Pelham Street, with 2 trees at the southern end of the car park and in the south east corner of the site. The trees within the car park will be lost.

Mitigation measures proposed within the ES include replacement planting of a range of native fruiting/flowering tree and shrub species providing foraging and nesting opportunities for birds, invertebrates and possibly bats. Further ecological enhancements will be provided through the establishment of a range of extensive and intensive roof gardens together with the provision of bird and bat boxes to provide nesting and roosting opportunities for these fauna.

The Council's Arboriculturist has commented that the loss of the Sycamore is to be regretted as it is a fine tree, however, its retention could not be considered as the ramp to the basement level of Phase 1 will be in this location.

Suitable landscaping, replacement planting and ecological enhancements conditions are proposed and it is considered that through these there is the potential for the landscape and ecological features of the site to be significantly improved.

#### Sustainability

The application was submitted prior to the adoption of SPD08 – ‘Sustainable Building Design’ for development control purposes. As such an assessment of the scheme is undertaken with reference to the guidance laid out in the SPD as a guide but not as a formal requirement of the scheme.

Local Plan policy SU2 requires measures that seek to reduce fuel use and green house gas emissions. The use of materials that minimise overall energy use and space for refuse, waste recycling and composting, and measures that seek to reduce water consumption.

The Council’s Sustainability Consultant has been consulted on the application and has raised no objection to the scheme; the Officers assessment of the scheme forms the basis for this section of the report.

SPD08 recommends the following for a major development for a non-residential scheme of this type, this is used as a guide only:

- BREEAM Excellent with a score of 60% in the water and energy section;
- Rainwater harvesting and grey water recycling system feasibility studies;
- Membership of the Considerate Constructors Scheme - membership to the scheme is not a requirement for this application due to the date of submission prior to formal adoption of SPD08.

### Phase 1

The hybrid nature of this application results in a full assessment in respect of the sustainability of the Phase 1 development only. A BREEAM pre-assessment has been submitted which has been carried out by an accredited assessor and demonstrates that an overall score of ‘Excellent’ can be achieved which meets the most recent recommendations of SPD08. This score is welcomed particularly as it is beyond the requirements set out at the time the application was submitted.

In respect of the energy section of the BREEAM assessment a score of 70.83% is achieved and 87.50% in the water section; each of these scores are well above the requirements set out in SPD08 which recommends 60%.

Whilst the reports, particularly the BREEAM report, indicate that there is a reduction in fuel use and green house gas emissions there is no supporting energy statement that includes details relating to the external building envelope including U values for walls, information relating to energy demand of the building throughout the year and details of the percentage of how the energy demand will be met by low or zero carbon technologies.

On making a more detailed assessment of the development in relation to achieving a sustainable build, the applicant is advised that the energy demand of City College could be minimised by reducing heat loss by using an efficient building envelope with efficient building services. The final energy demand of the buildings should be minimised before low or zero carbon technologies are assessed to meet the remaining demand. The applicant is

also encouraged to assess the use of a district heating scheme for the whole site.

It is noted that the applicant is considering the responsible sourcing of materials. Whilst consideration has been given in detail to waste and water consumption reduction there does not appear to be any consideration for internal and external collection of composting waste.

With respect to rainwater harvesting the design and access statement says that a rainwater harvesting system will be installed consisting of a below ground collection tank. The water will then be pumped up to a header tank on the roof and used for WCs and for irrigation of plants on the terraces. This is welcomed but to avoid the energy required for pumping, consideration should be given to the possibility of locating storage tanks at higher levels.

The Council's Sustainability Consultant has noted that a day lighting, sunlight and overshadowing analysis has been submitted with the application on the external facades however there appears to be no day lighting analysis of the inside of rooms. A study of this kind would be welcomed for a development of this size to ensure that daylight indicators recommendations for the different spaces have been met to ensure that the design will minimise the dependence on artificial lighting. It is apparent from the plans that the areas of the basement (and some areas of the Phase 2 basement parking) has no natural light and may be able to benefit from some light wells or sun pipes. However, on assessing the scheme as a whole and noting the applicant's demonstration of meeting an 'Excellent' BREEAM rating for phase one, the scheme is considered to be acceptable without the provision of natural light to these areas.

The use of low energy lighting as suggested is welcome however further consideration should be given to the use of LED lighting, PIRs and also using solar panels for some external lights. The building has been designed with solar shading to minimise overheating, which is a welcome addition.

It is noted that there is no indication of the location of a boiler or heat pump and any associated flues on the plans or elevations. The Sustainability Statement submitted with the planning applications discusses possibilities with respect to CHP on site. There are no details of CHP with this application and the Environmental Statement has not assessed or considered the impacts. On that basis CHP does not form part of the planning applications.

### Phase 2

Phase 2 is outline only and as such cannot be fully assessed at this stage of the application, submission of further detail in this respect will be required as part of the Reserved Matters application. The residential element of phase two is required to achieve a minimum of Level 3 of the Code for Sustainable Homes and the non-residential element a minimum of 'Very Good' BREEAM

rating; this will be secured by condition.

### **Affordable Housing**

The applicant has confirmed that 40% of the units will be affordable. The Council's Housing Strategy Team have indicated that generally they would be seeking 40/50/10% 1, 2 & 3 beds but, as per draft policies & targets recognised in the LDF & subject to site specifics, they would welcome a higher proportion of larger family homes. Internal layouts, number of flats and dwelling mix are not being considered as part of this outline application, and will need to be considered as part of the reserved matters application. It is proposed to require within the 106 agreement that 40 % of the total units to be provided on site are to be affordable.

A condition is also proposed to require that at least 10% of the affordable should be built to Wheelchair Accessible standards set out in PAN03 Accessible Housing & Lifetime Homes.

The reserved matters application will be subject to a Section 106 agreement which will require contributions towards primacy and secondary school educational provision. This would be dependant on the exact number and bedroom sizes of units, and would be in the region of **£83,160** for education provision and £105,456 for recreational open space provision.

A contribution of £180,000 is sought through the Section 106 agreement and this will be provided on site within the public square.

In order to secure this at the reserved matters stage the formula rather than the exact amount of the contribution has been included within the Section 106 Agreement accompanying this application.

Conditions regarding surface water drainage and discharge to foul sewers have been recommended by Southern Water and the Environment Agency and these have been included in section 1 of this report.

### **Other Issues**

#### **Air Quality**

The site is within an Air Quality Management Area. The Council's Air Quality Officer originally had concerns regarding the future levels of air quality that residents of the scheme would be exposed to on the Cheapside frontage. They also expressed concerns that the proposed buildings on Cheapside could create a 'canyon effect' further exacerbated local air quality levels.

However, following additional extensive air quality modelling work carried out by the Applicant, which shows that future levels be at acceptable levels, the Council's Air Quality Officer has removed their objection to the scheme. It is therefore acceptable for balconies and roof terraces to be provided on the buildings fronting Cheapside.

The public square would have the best levels of air quality of the site. The closure of Pelham Street to through traffic would have benefits to the residents of buildings fronting onto Pelham Street in terms of localised air quality levels.

The future air quality in and around the perimeter of the site would be at acceptable levels that would not cause harm to the health of future residents/occupiers of the scheme or adjacent properties.

#### Archaeology

Part of the site is within an Archaeologically Sensitive Area, designated as such because it is an area of Prehistoric, Romano-British and medieval activity including settlements and burial. However, The County Archaeologist has commented that he agrees with the findings of the ES, which concludes that the site does appear to have been greatly impacted by modern development, including areas of deep basements. The ES does highlight that there are possible pockets of undisturbed land surviving, which may contain archaeological deposits.

Therefore a condition is proposed to require a programme of archaeological works to comprise of a watching brief.

#### Ground conditions

The site overlies a major aquifer. A desk top contamination study report was included within the ES. Previous uses which may have caused contamination include possible ground fuel tanks, and surrounding uses include light industrial uses and localised potential sources of contamination. The Environment Agency and the Council's Environmental Health Officers recommend approval subject to conditions to require contamination site investigation, remediation work and monitoring work, construction techniques for piling and foundations and surface water drainage.

#### Waste Minimisation

The ES includes a chapter on waste. This only includes estimates of waste however, and it is therefore necessary to condition that a Site Waste Management Plan is submitted.

### **9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the 106 requirement that 10,000 sq. meters of education floorspace must be secured by the City College prior to development of Phase 2 commences, it is considered that the release of part of the site to alternative uses other than educational is acceptable and would not jeopardise future education provision to the site. It is considered that the mix of uses is appropriate to this City centre site and the provision of the public square will be of benefit to the area. A contemporary landmark educational building will be provided.

It is considered that the design of the Phase 1 building will be of benefit to the immediate streetscenes and the scale and layout of the Phase 2 buildings is appropriate and would benefit the character and appearance of the area. The Phase 1 building would have an adverse impact on shorter views from the North Laine Conservation Area, however, the proposals will be of benefit to some longer views from and within the North Laine and Valley Gardens Conservation Areas. It is therefore considered that the impact on the character and appearance of the conservation areas is, on balance, acceptable. Whilst the proposal will adversely impact on the setting of St. Bartholomew's Church when viewed from Whitecross Street, this is not considered to be an important strategic view. The demolition of Pelham Tower, along with the new development would enhance a number of key views of listed buildings (St. Bartholomew's and St. Peter's Church). The impact of the scheme on the setting of listed buildings is therefore considered to be acceptable.

The proposal would have an adverse impact on daylight to seven main windows of Trafalgar Street properties. The three storey podium of the Phase 1 development would appear as an over-bearing feature when viewed from the gardens of properties on Whitecross Street. However, it is considered that the levels of the residential amenity of properties on York Place will increase as a result of the proposal. Therefore, on balance it is considered that the impact on neighbouring amenity is acceptable given the benefits of the scheme. It is considered that the amenity levels of future residents/occupiers of the proposed scheme will be acceptable. Subject to the requirement of an Environmental Construction Management Plan through the Section 106 Agreement, any adverse impacts arising from the demolition and construction period can be adequately controlled.

Subject to controls for car parking and cycle parking along with highway improvement works, it is considered that the proposal would not jeopardise highway safety. A number of pedestrian routes within and around the site will be provided/improved. With regard to sustainability, the Phase 1 will achieve a BREEAM rating of 'Excellent' and the Phase 2 buildings can be controlled to meet the relevant standards.

## **10 EQUALITIES IMPLICATIONS**

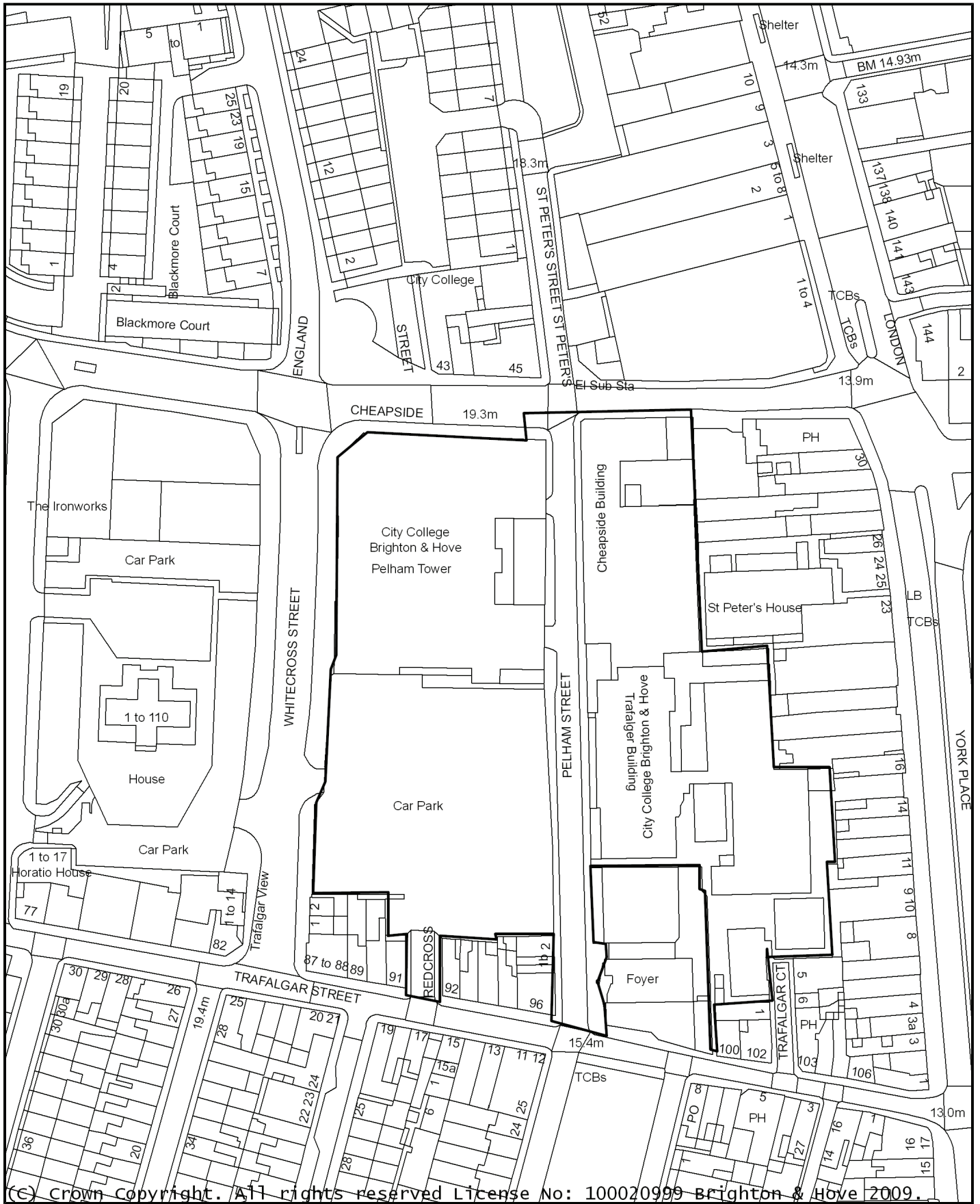
A condition is proposed to require that at least 10% of the residential units are wheelchair accessible and that all of the units are wheelchair accessible. A condition is proposed to require that 10% of the residential parking spaces are disabled and will be provided to the east of Pelham Street.

It is proposed to require an accessibility statement for the Phase 2 development via a condition. This would need to look at the layout and accessibility of the whole of the site including the public square as well as the accessibility of individual buildings.

It is considered that accessibility to the Phase 1 building will be a significant



improvement to the current accessibility provision on site.



Date: 03/03/2009 03:54:02

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<b><u>No:</u></b>	<b>BH2009/00048</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>3 to 5 Vernon Gardens, Denmark Terrace, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from residential care home for the elderly to 10 self-contained flats providing extra care for adults with long term health conditions or a physical disability. Provision of a "community space" facility. Alterations to rear including a glazed canopy over walkway, lift shaft extension and changes to levels in rear garden area.</b>		
<b><u>Officer:</u></b>	<b>Jonathan Puplett, tel: 292525</b>	<b><u>Received Date:</u></b>	<b>05 January 2009</b>
<b><u>Con Area:</u></b>	<b>Montpelier and Clifton Hill</b>	<b><u>Expiry Date:</u></b>	<b>27 April 2009</b>
<b><u>Agent:</u></b>	<b>Mr Neil Fyles, Tuffin Ferraby Taylor LLP, 169 Strand House, Richmond Road, Kingston Upon Thames</b>		
<b><u>Applicant:</u></b>	<b>The Guinness Trust, 2nd Floor, Beulah Court, Albert Road, Horley</b>		

## 1 SUMMARY

This application relates to Nos. 3 to 5 Vernon Gardens, a large detached property located on the southern corner of the junction of Windlesham Avenue and Vernon Gardens. The site is located within the Montpelier and Cliftonville Conservation Area.

Planning permission is sought to change the use of a residential care home to form ten self-contained residential units providing an extra care affordable housing scheme for adults with long term health conditions or a physical disability, and a 'community space' / resource centre at ground floor level, together with alterations to the existing building.

The report notes that the applicants have demonstrated, in compliance with local plan policies, that the use of the building as a care home is no longer viable and does not comply with or is realistically capable of reaching, the respective standards set out for residential care homes. The scheme would provide ten units of supported housing, for people with special needs. Furthermore, the report notes that neighbouring occupiers are not considered to be unduly affected by the proposal.

Proposed alterations to the exterior of the building and its curtilage are considered sympathetic to the character of the property and the surrounding conservation area.

The application is recommended for approval subject to the conditions set out below.

## 2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 planning obligation to secure a contribution to amend the Traffic Regulation Order to ensure the development remains car free and to the following Conditions and Informatives:

### Conditions

1. BH01.01 Full planning.
2. The premises shall only be used as a resource / community centre, and for the provision of 10 self-contained units of affordable extra care housing or housing for adults with a disability or those with long term health conditions, and for no other purpose.  
**Reason:** Having regard to the size and mix of units within the development and to ensure the property is retained for use by persons with special needs in accordance with policies HO3, HO11 and HO15 of the Brighton & Hove Local Plan.
3. The residential accommodation hereby approved shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.
4. Before the proposed use commences a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.  
**Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton & Hove Local Plan.
5. The vehicle parking area shown on the approved plans shall be constructed and be ready for use prior to the occupation of the flats, and shall not be used otherwise than for the parking of private motor vehicles in association with the use of the development hereby approved.  
**Reason:** To ensure that parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
6. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided, to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

7. No development shall take place until further details of the proposed refuse and recycling storage area have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation, 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 policies SU2 and QD27 of the Brighton & Hove Local Plan.
8. In the event of land contamination being found to be present at the site, 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 works shall be carried out in strict accordance with the approved details.  
**Reason:** Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.
9. Notwithstanding the submitted details regarding sustainability measures, no development shall take place until further details have been submitted demonstrating that the proposed development will meet an Ecohomes refurbishment rating of 'good'. Works shall be carried out in accordance with the approved details.  
**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.
10. Notwithstanding the submitted Site Waste Management Plan, no development shall take place until a revised statement, providing further detail as to how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The statement should include fully completed checklists, lists of specific waste materials, quantities of materials, and details of the specific waste contractors to be employed. The measures 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
11. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building,

including tiles, bricks, decorative brick mouldings, brick coursing and pointing, joinery dimensions and external moulding profiles, and glazing.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

12. Notwithstanding the submitted details, no development shall take place until further details of the proposed new entrance door to the eastern elevation of the building, consisting of 1:20 scale drawings and 1:1 joinery sections, have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

13. The new rear basement entrance door and screen shall have solid timber bottom panels and their joinery details shall match the joinery details of the original doors to the rear of the building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

14. No development shall take place until details of the proposed covered walkway at the rear of the building, including 1:50 scale drawings, and details of any associated lighting scheme, have been submitted to and approved in writing by the local planning authority. Works shall be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area, to protect neighbouring amenity, and to comply with policies QD14, QD27, and HE6 of the Brighton & Hove Local Plan.

15. BH02.06 No cables, aerials, flues and meter boxes.

16. BH11.01 Landscaping / planting scheme.

Informatives:

1. This decision is based on drawing nos. E01A, E02A, E03A, E04A, E05A, E06, E07, PO3D, P04E, P05A, P06A, P08A, and P09 submitted on the 22<sup>nd</sup> of January 2009, P01C and P02F submitted on the 3<sup>rd</sup> of February 2009, P07B submitted on the 2<sup>nd</sup> on March 2009, and supporting documentation and details submitted on the 5<sup>th</sup> of January, 22<sup>nd</sup> of January, and 16<sup>th</sup> of February 2009.

2. This decision to grant Planning Permission has been taken:

- i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public accessibility and parking
TR7	Safe development



TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO15	Housing for people with special needs
H019	New community facilities
HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SDD06	Trees and Development Sites
SPD08	Sustainable Building Design

Supplementary Planning Guidance:

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

Planning Advice Notes:

PAN03	Accessible Housing & Lifetime Homes
PAN05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste ; and

ii. for the following reasons:

The proposed change of use from a residential care home to create provide ten units of supported housing for people with special needs, and a ‘community space’ / resource centre at ground floor level, is considered acceptable in respect of policy requirements, since the property fails to meet current standards relating to residential care homes and significant

investment would be required to meet the standards set by national minimum standards as set out in the Care Home Regulations 2001 and the Care Standards Act 2000 as regulated by the National Care Standards Commission. Furthermore, the creation of ten residential units for people with special needs would make an efficient and effective use of this vacant site, and represent an important element of future housing provision.

Subject to compliance with the above conditions, the external alterations proposed are not considered to detract from the character and appearance of the existing building and will preserve and enhance the character and appearance of the Montpelier and Clifton Hill Conservation Area.

The proposed self-contained residential units would provide a high standard of accommodation suitable for residents with a physical disability / wheelchair users. Subject to compliance with the above conditions, the scheme would achieve a suitable provision for car parking, cycle storage and refuse and recycling storage and would be implemented in accordance with a Site Waste Management Plan.

### **3 THE SITE**

This application relates to Nos. 3 to 5 Vernon Gardens, a large detached property located on the southern corner of the junction of Windlesham Avenue and Vernon Gardens. The site is located within the Montpelier and Clifton Hill Conservation Area. There are currently two pedestrian entrances to the site, one from Denmark Terrace leading to the home, and a corner entrance leading to the day centre. Vehicular entrance is gained from a shared undercroft access to the north-western side of Vernon Court, on Windlesham Avenue.

### **4 RELEVANT HISTORY**

**94/0013/FP:** 'Installation of kitchen extract ducting (to roof height)', granted February 1994.

**86/732/CC:** 'Change of use of ground floor from a home for elderly people to a day centre for elderly people', granted July 1986.

**8.52.308:** 'Change of use to care home for aged persons', granted October 1948. (The reference / date of this decision appear to be inaccurate; however planning archives have provided no further information).

### **5 THE APPLICATION**

Planning permission is sought to change the use of a residential care home to form ten self-contained residential units providing an extra care housing scheme for adults with long term health conditions or a physical disability, and a 'community space' / resource centre at ground floor level, together with alterations to the existing building.

External alterations proposed include the reduction in height of an existing lift

shaft structure, and the construction of a new adjoining lift shaft structure to the rear of the building as an alternative means of escape. The creating of a new entrance to the front elevation of the building, removal of ramping and stairs to the rear of the building, and landscaping of the rear garden area including the repositioning of two existing parking spaces and the provision of a covered walkway.

The proposed scheme is partially dependent on public funding schemes. To secure such funding the determination of the current application is required prior to the end of the current financial year (i.e. 31 March 2009).

## 6 CONSULTATIONS

### External

**Neighbours:** A letter stating no objection to the proposed scheme has been received from **Brighton & Hove High School**.

**Conservation Advisory Group (CAG):** The group welcomed this application subject to the reduction in height of the existing lift shaft if possible, and the existing entrance door be retained but kept closed.

**East Sussex Fire & Rescue Service:** No observations.

**Sussex Police:** Recommend that the scheme incorporate the installation of crime / safety standards regarding windows and entrances to the building.

### Internal

**Planning Policy:** Further information is required to demonstrate that the building is no longer capable of reaching the retrospective standards set out for residential care or nursing homes [such information has since been submitted]. Providing Policy HO11 is satisfied, the proposed change of use is in compliance with policy, as is the proposed housing. Compliance with sustainability standards and Lifetime Homes Standards is required wherever practicable. The provision of on-site out door recreation space must be considered, and a contribution towards off site facilities may be required.

**Access Officer:** The accommodation / layout is considered appropriate for the proposed use.

**Adult Social Care and Health:** Fully support the development as the purpose is to provide places in the City for the care of our service users who might otherwise be placed out of the City and also to provide a level of care between community support and full residential care. The scheme will increase the care options for service users with physical disabilities under 65 for which options have been very limited especially when compared to those facilities available for other service user groups.

**Brighton & Hove Primary Care Trust:** Support the application; the PCT welcomes the opportunity that extra care housing will give to support

independent living for younger adults with physical disability.

**Housing Strategy:** As a proposal for housing provision for people with special needs, to be delivered by one of the Council's approved registered housing providers, the scheme is fully supported.

**Private Sector Housing:** No observations.

**Traffic Manager:** This proposal will reduce the person trips generated by the site. As such, there is no need for a financial contribution in line with the requirements of policies TR1 and QD28 because of the overall benefit to the highway network. The flats should be made a car free development, and cycle parking for residents / staff / visitors should be provided.

**Environmental Health:** Given the former use as a nursing home, experience has indicated buried items may be discovered which may require further investigation in terms of potentially contaminated land. A suitable planning condition is therefore recommended.

**Conservation & Design:** The proposals include an additional lift shaft at the rear behind and adjoining the existing lift shaft structure. This will require the removal of a chimney. This is acceptable in principle, subject to its materials matching exactly the existing, including the coursing and pointing of the brickwork. The existing lift shaft is an unattractive feature and should be reduced in height if possible. The proposal to create a new entrance and door to the eastern elevation of the building is considered appropriate subject to the submission of suitable details. Minor alterations to the rear elevation of the building are also considered appropriate, as is the landscaping of the rear garden area, subject to the submission of additional details in this regard.

**Sustainability Team:** The documents submitted suggest that an Ecohomes 'Good' rating will be achieved which is welcomed. However there is no mention of how the energy requirement of the building will be met. It appears that there are plans to remove the community boiler in the plant room and install individual boilers in each unit. It is considered that a centralised system would be more efficient, and cost effective to run.

There is also a suggestion that the thermal efficiency of the building will be improved. Consideration should be given as to whether these improvements can be beyond the requirements of 2006 Building Regulations. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce the running costs of the building and improve thermal comfort levels for the occupants.

There is no proposed use of zero or low carbon technologies that should be considered to further reduce CO2 emissions and fuel costs. Use of available Council grants should be investigated.

**Education:** Due to the nature of the proposed development, no financial contribution is sought towards education provision.

**Quality of Life and Green Spaces:** The demand for outdoor recreation space generated from this proposal is not felt to be significantly different to the current use. However this is on the basis the amount of outdoor space is not significantly reduced by this proposal (or the landscaping proposals make the outdoor space more accessible to the residents to compensate for any loss).

**Public Art:** Due to the limited number of units proposed, no financial contribution is sought towards public art.

**City Clean:** No objection.

**Neighbourhood Management:** No observations.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing- ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO15	Housing for people with special needs
HO19	New community facilities

HO20 Retention of community facilities  
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste  
SDD06 Trees and Development Sites  
SPD08 Sustainable Building Design

Supplementary Planning Guidance:

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

Planning Advice Notes:

PAN03 Accessible Housing & Lifetime Homes  
PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste

## 8 CONSIDERATIONS

The primary determining issues relate to firstly, whether the proposed conversion accords with local plan policies; secondly, whether the proposal will have a detrimental impact on neighbouring amenity; thirdly, whether the proposal preserves or enhances the character and appearance of the Montpelier and Cliftonville Conservation Area; and finally, whether the application is considered acceptable in traffic terms.

### Principle of the proposed conversion having regard to Local Plan Policies

Policy HO11 of the Brighton & Hove Local Plan states that planning permission will not be granted for proposals involving the loss of residential care and/or nursing homes which comply with, or are realistically capable of reaching, the respective standards set out for residential care/nursing homes. Where the loss of a residential/care home is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.

The property has been vacant / unused since approximately May 2008; the most recent use of the building was as a residential care home and day centre primarily providing temporary accommodation for the elderly. In January 2008 it was reported that there were 2 permanent residents, with the remaining 18 beds being used for short term care in the form of respite care and transitional care. 35 service users attended the day centre over a seven day period. A total of 36 permanent staff were in post.

In a **report to the 'Adult Social Care Committee'** dated the 28<sup>th</sup> of January 2008, various issues were identified regarding the current use of the property, and potential for future uses of the property. Primary issues of concern identified were a lack of compliance of the building with the Regulatory Reform (Fire Safety) Order 2005, and a reported 'high maintenance backlog figure' and 'high running costs in relation to day to day maintenance for its



size and floor area'. It was considered that the services that the property provided could not continue without a major refurbishment to ensure full compliance with statutory regulations.

A desktop study which has been carried out concluded that such a refurbishment would be at a cost of approximately £1.5 million and would result in a reduction from 20 to 15 rooms, and the loss of the day centre, as the second floor would not be considered suitable for residential accommodation due to the difficulties of achieving full emergency evacuation from this floor. The study provides a detailed assessment of the specific refurbishment works which would be required. It is stated that there is no identified finance to available to achieve the level of refurbishment work required.

It is proposed that the reprovision of the facilities and care provided previously at the property be addressed at alternative sites, such as the scheme for the provision of additional transitional care beds at Craven Vale Resource Centre.

It is considered that it has been demonstrated that the property is not realistically capable of reaching the respective standards set out for residential care/nursing homes. Furthermore, it is noted that the proposed use would address an important future housing need in the city, as detailed below.

The proposed use to provide 10 self-contained flats for 'adults with long term health conditions or a physical disability' is considered to be in compliance with Policy HO11, and Policy HO15 'Housing for people with special needs' which states that planning permission will be granted for the provision of residential accommodation for people with special needs, including supported housing. There is a high level of demand for residential accommodation for people with special needs and the council's Housing Strategy statement identifies supported housing in particular, as an important element of future housing provision. Furthermore, the fact that the proposed units provide 'affordable housing' ensures compliance with Policy HO2 (Affordable housing – 'windfall' sites).

The provision of a community facility in the form of a community / resource centre (which would primarily be used by the residents of the flats as a communal space, but would also be open to members of the public), replacing the previous day centre, provides compliance with Policies HO19 and HO20, which seek the retention of community facilities / new facilities.

Policy HO3 seeks to ensure that proposals for new residential development and residential conversions (including changes of use) incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs.

It is however considered that due to the nature of the proposed accommodation which has been designed to meet the requirements of people

with special needs, the proposed mix of one and two-bedroom units is appropriate and acceptable.

#### Standard of accommodation and associated facilities

In general, the proposed units of accommodation are considered to be of a high standard. Room proportions are in general adequate or generous and the form of the existing building provides generous ceiling heights and window openings, particularly at ground and first floor level. Whilst there are seven internal bathrooms proposed, which would not benefit from natural light and ventilation, it is acknowledged that the proposed layouts are constrained by the form of the existing building, and the primary aim to provide accommodation suitable for wheelchair users.

The proposed ground floor, first floor, and second floor layouts have been designed to ensure compliance with Lifetime Homes standards, and the flats provide layouts suitable for wheelchair users. Overall it is considered that a high standard of accommodation has been achieved in this regard.

Outdoor amenity space will be provided for the residents of the flats in the form of a rear garden area, the main usable space of which has an area of approximately 180m<sup>2</sup>. Whilst this area is not particularly private, being overlooked by rear windows of Vernon Court, it is considered that such a space does represent a usable amenity space which would be of value to future residents of the proposed flats.

An area to the rear of the building, with gates providing direct access on to Windlesham Avenue, is proposed to be utilised for refuse and recycling. This area appears adequate however further details are required regarding the covered nature of the storage area and its layout; such details could be secured via planning condition.

A cycle storage facility has not been shown on the submitted plans. However, there is adequate space for such a feature to the rear of the property. It is considered that cycle parking should be provided to encourage the use of cycling as a sustainable transport method, and it would be appropriate to secure such a facility by way of a suitable planning condition.

#### The proposed resource / community centre

It is clear that the 'day centre' which previously functioned provided a valuable service in the community; the incorporation of a public facility within the proposed development is therefore welcomed. The centre would primarily be used by the residents of the flats as a communal space, but would also be open to members of the public; primarily disabled residents of the city. The centre is accessible for wheelchair users via a ramped access from Windlesham Avenue. As the day centre and residential units would be under the same management, it is not considered necessary to apply an hours of use restriction. Further no particular disturbance issues would be envisaged.

### Traffic

The proposed scheme includes the provision of two parking spaces to the rear of the property. Cycle parking facilities for staff / visitors are not shown on the submitted plans; however there appears to be adequate space within the curtilage of the building to accommodate such a feature, and further details in this regard could be required by planning condition. It is stated in the submitted Design Statement that the applicants are in discussions with the City Car Club regarding the provision of a parking space and vehicle on Windlesham Avenue (there is an existing ambulance bay in this location). No further details have been submitted in this regard; it appears that this element of the scheme has not been finalised and will therefore not be considered under the current application.

The Traffic Manager has commented on the application and does not raise an objection to the level of car parking provided with the scheme. Policy TR1 of the Brighton & Hove Local Plan requires developments to provide for the demand for travel that is created and maximise the use of public transport, walking and cycling. It is the case, that where a development does not provide off-street car parking spaces due to the resultant increased demand on public transport, applicants are expected to pay a contribution towards the Sustainable Transport Strategy in accordance with policy QD28 of the Brighton & Hove Local Plan.

In this instance, however, the Traffic Manager has advised that this is not appropriate since the trips generated by the former care home would be greater than the trips of the proposed residential units. For this reason, despite the limited car parking proposed, it is not considered appropriate or necessary in this instance to require a contribution towards the Sustainable Transport Strategy. The Traffic Manager has recommended that the development be a car free development, whereby occupiers of the scheme will not be eligible for a car parking permit. Given the nature of the proposed use, the applicant has been consulted as to the appropriateness of this restriction, and has raised no concern. It is considered appropriate to secure a contribution through a S106 Obligation to amend the TRO.

### Impact on neighbouring amenity

Having regard to the existing / most recent use of the building as a residential care home, it is considered that the proposed use would not cause significantly increased levels of noise, disturbance, or overlooking. 'Coming and goings' and general activity in relation to the proposed flats and resource centre would be of a similar level to that caused by the previous use. Overall, it is considered that no significant harm to neighbouring residential amenity would result. Alterations to the rear garden area will improve the outlook from rear windows of Vernon Court located to the west of the application site.

### Visual impact of the proposed external alterations

The site comprises one detached and two semi-detached Edwardian houses on the Denmark Terrace frontage, which have been linked by the addition of a

lift shaft and lobby at a later date.

The proposals include an additional lift shaft at the rear behind and adjoining the existing one. This will require the removal of a chimney. This is acceptable in principle, subject to the materials of the new structure matching exactly the existing, including the coursing and pointing of the brickwork. It was originally proposed to retain the existing lift shaft to the front of the building in its existing form. This feature is however extremely prominent and detracts from the appearance of the buildings and the wider street scene. Following discussions with the Conservation Officer this element of the scheme has been revised. It is now proposed that the existing lift shaft will be reduced in height to the level of the new lift shaft, integrating their roof structures and giving them sprocketed eaves to match the main building. It is considered that this element of the scheme will significantly improve the appearance of the building when viewed from street level.

It was originally proposed that the existing front door be relocated from the southern end of the building to a more central position, and an existing window be relocated from this central position to the existing location of the door. Following comments from the Conservation Advisory Group (CAG), the scheme has been amended. The existing door will remain (and be partially blocked up internally), and a new central entrance and door are proposed. Full details of the new entrance and door may be requested by way of a planning condition.

The blocking up of the doors to the rear conservatories and forming windows is also acceptable, subject to the new work matching exactly the original windows and walls. The removal of extensive ramping and staircases to the rear of the building, and the formation of a covered walkway at the rear is acceptable in principle. However insufficient details of design, materials and construction of the covered walkway have been submitted; further details can be secured by suitable planning condition. The alterations to the ground levels of the garden area are also acceptable, subject to the submission of a landscaping scheme.

#### Environmental Sustainability

The proposed scheme relates to the conversion of an existing building. The applicant has stated in their supporting documents that the development would meet an 'Ecohomes for refurbishment' rating of 'Good'. Whilst a Sustainability Checklist document has been completed and submitted in support of the application, it is considered that insufficient detail has been submitted regarding proposals to ensure appropriate levels of energy efficiency. Specific issues which could provide significant improvement in this regard have been identified, relating to the method of heating for the building, insulation measures and the consideration of zero or low carbon technologies. It is considered appropriate to require the submission of additional details in this regard by way of a suitable planning condition.

### Construction and Demolition Waste Minimisation

A waste management plan has been submitted, the contents of which demonstrate good intentions towards the minimisation of landfill use in compliance with Policy SU13 and SPD03 'Construction and Demolition Waste'. It is however noted that some of the checklists submitted have not been completed, and overall it is considered that the plan is lacking site specific information and data. It is therefore considered appropriate to require the submission of a revised, and more detailed statement prior to the commencement of development to ensure that the objectives of the above policy and SPD are met during the construction of the scheme.

## **9 CONCLUSIONS**

The proposed change of use from a residential care home to create 10 self-contained affordable residential units for disabled occupation, along with a resource / community centre, is considered acceptable in respect of policy requirements, since the property fails to meet current standards relating to residential care homes and significant investment would be required to meet current standards. Furthermore, the proposed residential use would serve an important housing need in the city, and the resource centre would provide a valuable facility to the community.

The reduction in height of an existing lift shaft structure will provide an improved appearance to the building, and the remaining proposed external alterations to the building are considered appropriate subject to the submission of further details which could be secured via planning condition. The character and appearance of the existing building and the surrounding conservation area would be preserved.

The proposed residential accommodation is of a high standard and the ground, first and second floor of the building would be accessible for wheelchair users.

For these reasons the application is recommended for approval.

## **10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed change of use from a residential care home to create provide ten units of supported housing for people with special needs, and a 'community space' / day centre at ground floor level, is considered acceptable in respect of policy requirements, since the property fails to meet current standards relating to residential care homes and significant investment would be required to meet the standards set by national minimum standards as set out in the Care Home Regulations 2001 and the Care Standards Act 2000 as regulated by the National Care Standards Commission. Furthermore, the creation of ten residential units for people with special needs would make an efficient and effective use of this vacant site, and represent an important element of future housing provision.

Subject to compliance with the above conditions, the external alterations

proposed are not considered to detract from the character and appearance of the existing building and will preserve and enhance the character and appearance of the Montpelier and Clifton Hill Conservation Area.

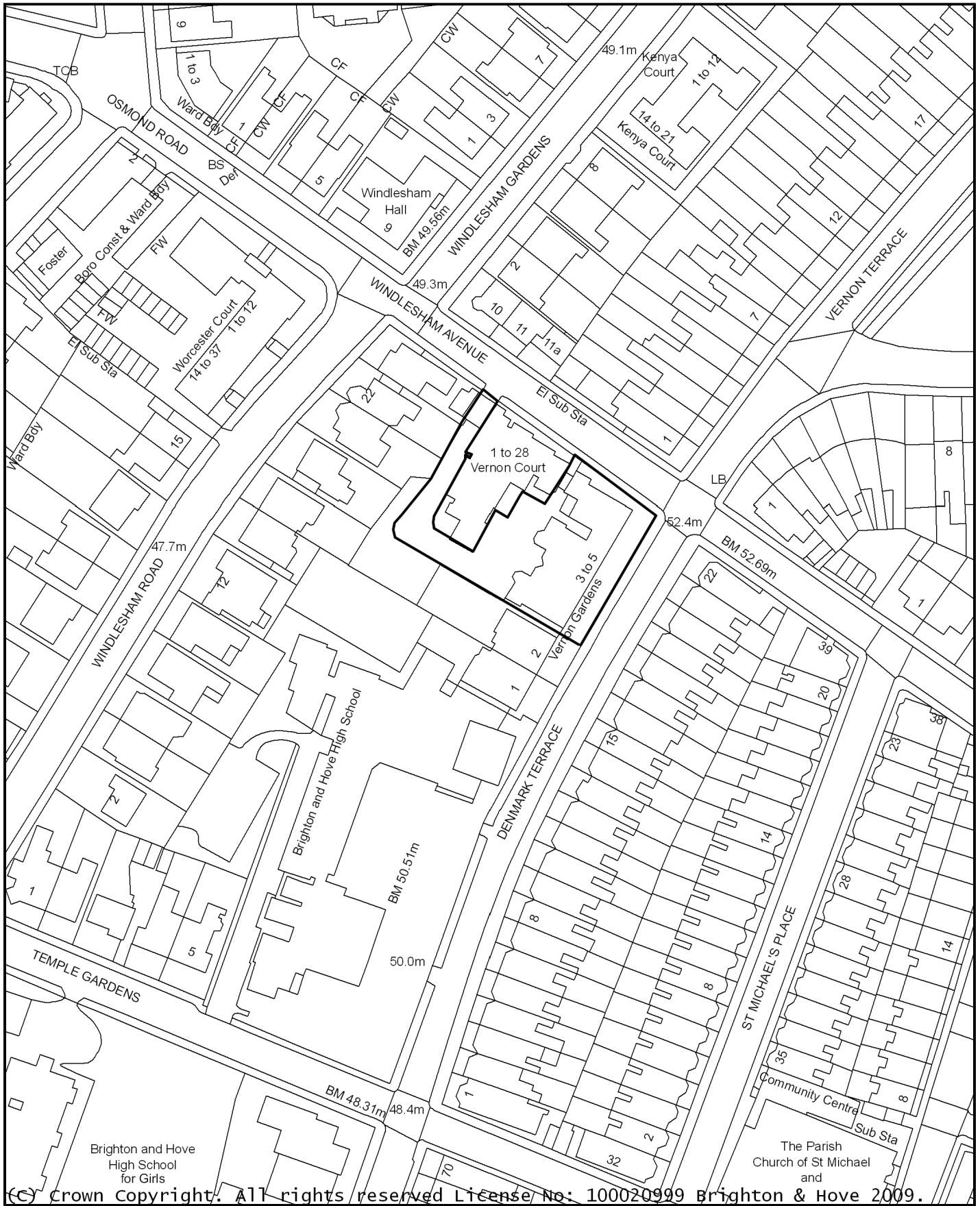
The proposed self-contained residential units would provide a high standard of accommodation suitable for residents with a physical disability / wheelchair users. Subject to compliance with the above conditions, the scheme would achieve a suitable provision for car parking, cycle storage and refuse and recycling storage and would be implemented in accordance with a Site Waste Management Plan.

## **11 EQUALITIES IMPLICATIONS**

The proposed ground floor, first floor, and second floor layouts have been designed to ensure compliance with Lifetime Homes standards, and the flats provide layouts suitable for wheelchair users.



**BH2009/00048 3-5 Vernon Gardens**



**Date: 04/03/2009 02:57:31**

**Scale 1:1250**



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<b><u>No:</u></b>	<b>BH2008/03043</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Adjacent 9 Challoners Close</b>		
<b><u>Proposal:</u></b>	<b>The erection of detached dwelling (C3) and partial demolition of garage at 9 Challoners Close.</b>		
<b><u>Officer:</u></b>	Liz Holt, tel: 291709	<b><u>Received Date:</u></b>	15 September 2008
<b><u>Con Area:</u></b>	Adjacent to Rottingdean	<b><u>Expiry Date:</u></b>	02 December 2008
<b><u>Agent:</u></b>	DRP Architects, 87-88 Upper Lewes Road, Brighton		
<b><u>Applicant:</u></b>	Mr Simon Jackson, C/o 9 Challoners Close		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed development, by virtue of its design, including gabled roof, elevated position, height, materials, proximity to the Grade II Listed Challoners and lack of western boundary screening, is considered to constitute undesirable development which would be of detriment to the setting of the adjacent Listed Building and would fail to preserve or enhance the character or appearance of views from the Rottingdean Conservation Area contrary to policies QD1, QD2, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.
2. The applicant has failed to demonstrate that the proposed development would not have a significant adverse impact upon the residential amenities of Challoners and Pineglade with regard to overlooking and loss of privacy contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The proposed hipped roof garage, by virtue of its positioning in front of the northern wing of the proposed development, its design and height, would be a visually intrusive element to the front elevation of the proposed development in addition to having an adverse impact upon the character and appearance of the Challoners Close street scene. The proposed garage is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

### Informative:

1. This decision is based on drawing nos. 3085.OS, 3085.EX.03 and 3085.EX.02, a Design and Access Statement, a Site Waste Minimisation Statement and a Biodiversity Checklist submitted on the 15<sup>th</sup> September 2008, an unnumbered drawing in relation to application BN88/1633 submitted on the 20<sup>th</sup> October 2008, a Heritage Statement submitted on the 29<sup>th</sup> October 2008, a letter from the applicant submitted on the 21<sup>st</sup>

November 2008, drawing no. 3085.PL.05 submitted on the 12<sup>th</sup> December 2008, drawing no. 3085.PL.06 and accompanying e-mail, drawing no. 3085.PL.03RevD and 3085.PL.04RevD submitted on the 22<sup>nd</sup> January 2009.

## **2 THE SITE**

The application relates to an area of land which currently forms part of the garden area related to 9 Challoners Close, Rottingdean, a two-storey house. The development site is located in the north-western corner of the cul-de-sac of Challoners Close, and forms part of an informally sited group of buildings around the turning head.

The development site, which has an east to west falling gradient, is formed of an irregular shape of land and as a result adjoins boundaries relating to a number of neighbouring properties. The rear (west) boundary of the site forms the boundary of the Rottingdean Conservation Area. Located to the west of the site is Challoners, a Grade II Listed Building.

## **3 RELEVANT HISTORY**

**BH2004/03050/OA:** Outline application for the erection of 2 No. detached dwelling houses. Refused 22/11/2004 and Dismissed on Appeal 21/10/2005.

**BN88/1633:** Outline application for a detached two storey dwelling. Granted 1/1188.

## **4 THE APPLICATION**

Planning Permission is sought for the partial demolition of the garage related to no. 9 Challoners Close and the erection of a two storey, four bedroom, detached single dwelling on land adjacent to no. 9 Challoners Close which currently forms part of the existing dwelling's garden area.

## **5 CONSULTATIONS**

**External:**

**Neighbours: 10 letters of support from nos. 9 Challoners Close, 9 Dean Court Road, 60, 63, 55A, 56A, 58, 72b, 100 High Street, Rottingdean and 57A Marine Drive on grounds that**

- not aware that any of the Council's policies are infringed by the proposal,
- the proposed design fits very well within the Close and complements the design of the neighbouring property Challoners,
- the choice of flint and brick exterior seems very in keeping with our beautiful village and will blend in with surrounding properties,
- the site is definitely big enough for a family home,
- design is for a house which is set back from the road and which fits into its plot just as well as any of the other houses in Challoners Close and the surrounding streets,
- the roof height will be appropriate to the surrounding properties, the house would be set back from the road and behind one of the existing set of gates such that it would present a modest façade to the road,
- there would not be any more traffic going up and down the street,

- the size of the proposed property would be in keeping with the others in the surrounding area,
- the plot is the only one in Challoners Close which has not been built on,
- permission was granted in 1988 for a two-storey family house on the site sometime ago so cannot see no reason why it should not be given again in particular as the design is very tasteful and in keeping with the village,
- the footprint of no. 9 Challoners Close has only changed slightly since 1988, by way of the addition of a front porch and a rear conservatory, and therefore cannot see that either of these extensions have any bearing on the present application,
- it already has its own driveway and gate onto the road with plenty of room for cars to turn around so cars don't need to reverse out onto the road,
- it incorporates an number of environmentally friendly features such as discreet solar panels, underground rain water harvesting etc,
- Rottingdean is a highly sought after village popular with young families and as such its residential area is fairly densely populated. The plot is an enviable plot ay the top of the cul-de-sac and considerably larger than most of Challoners Close,
- would enable a young family to remain in the village which has so many amenities,
- the proposal complies with existing lifetime homes, sustainable living and development standards,
- no. 8 Challoners provides a precedent for the present application, the footprint of which dominates its plot much more than the present proposal would do in its plot,
- nos. 3, 4, 5, 6, 7, 8 and 12 Challoners Close and 1, 2, 3, 4, 5 and 6 Northgate Close all extend right to the boundaries of their plots, the proposal is for a house which leaves more space between it and its neighbours than most in Challoners Close,
- cannot see that any of the adjoining residents will suffer from overshadowing, overlooking or loss of privacy,
- losing something of a view from neighbouring conservatories is unfortunate but under the Council's policies is not something which can be taken into account.

**40 letters of objections from Historic Houses Association, 2 Chester Street, London on behalf of occupier of Challoners, Pine Glade, Bazehill Road, Challoners, Court House, Kipling Cottage, Squash Cottage, The Green, Rottingdean, 98 High Street , 18A West Street , 1, 15, 18 Burnes Vale, 10, 12, 17, 22, 95 Marine Drive, Rottingdean, 19, 20 Grand Crescent, Rottingdean, 11 Rottingdean Place, 2, 2A, 23 Falmer Road, 1, 2, 4, 5, 7, 8, 10, 12, 14 Challoners Close , 26 Gorham Avenue, Bovills, 55 Dean Court Road, 5, 6, 8 (2 letters received), Northgate House 9 Northgate Close, 2 Lenham Road East, a letter form Parker Dann on behalf of 8 Northgate Close and 14 Challoners Close, on grounds that:**

- the proposed erection of a dwelling in the garden of no. 9 Challoners Close is an example of unsympathetic development that would detract

- from the setting of the historic building of Challoners,
- the land is the garden of 9 Challoners Close and therefore an integral part of the amenity space of the existing property, not land adjacent to,
  - the footprint and mass of the proposed building are just too large for the space available, it constitutes overdevelopment,
  - it will result in overlooking and loss of privacy to neighbouring properties, especially as it is set on a slope and would include raised decking,
  - will result in overshadowing of neighbouring properties including garden areas,
  - it would change the character of Challoners Close and the adjoining Conservation Area,
  - the size of the house is disproportionate to the plot it is being built on,
  - one of the principle amenities of life in Rottingdean is the sense of a connexion to local history, epitomised by the architecture of the Green. The Upper Green, along a section of Falmer Road, remains, on the whole, charming and sympathetically preserved. It appears that the proposed development will loom above the oldest and most important house in the village, being visible to everyone whip assess and undermining the purpose of historic preservation. Challoners, the original manor house in Rottingdean would be the most directly affected. It seems particularly important not to allow a development that would move the character of the locality in precisely the opposite direction,
  - new developments should respect and be appropriate to its surroundings, in this case neither is true,
  - the addition of another house into the space that was clearly meant to allow Challoners to be viewed against the South Downs would change forever its relationship with the rest of the village and undoubtedly ruin its setting,
  - the proposal will have a negative impact on both the setting and views into and out of Rottingdean Conservation Area,
  - the impact of the proposal on the health of protected trees within Challoners including a fig tree close to the boundary wall, given how close trees are to the development site will result in increased pressure for cutting back or even have them removed altogether,
  - outside of the historic core of Rottingdean, the more modern housing developments, such as Challoners Close, are characterised by large, mainly uniform rectangular plots with wide frontages,
  - in Challoners Close nos. 8, 9, 10 and 14 stand out because they have almost triangular-shaped plots, still retaining the characteristic wide frontage yet with symmetry at the end of the close, this pattern is echoed too in Northgate Close. The plot of the proposed house is wholly out of step with this character as it is contrived and awkwardly shaped. The frontage is mean and pinched for a plot of this size,
  - although the houses in Challoners Close are all individual, they do share common characteristics that draw them together, e.g., most of them have roofs that pitch from front to back. The new house would have a double gable end feature at both front and rear which is out of keeping/character



with the majority of its neighbours. It looks particularly discordant in relation to its nearest neighbour, no. 9 Challoners Close,

- design and use of rooflights as a result of the roof space for accommodation,
- oppose back garden developments, especially in the historic village of Rottingdean,
- Challoners Close is a narrow road with a turning circle at the end by no. 9, which means if another house was built and had visitors they would take up road space which is usually busy and could make turning difficult especially for emergency vehicles,
- parking is often a problem in the Close and now made worse by the extension of further parking restrictions around The Green,
- the garage faces the narrow entrance with the house behind it, which would spoil the ambience of the surroundings,
- the existing house has already had three extensions and with a house in the garden it would definitely be over-development,
- would make the site over-crowded, would not enhance Challoners, a Grade II Listed Building,
- will be grossly out of scale with the rest of the buildings in Challoners Close as well as being aesthetically unappealing,
- the garden area would be reduced for both sites,
- the development allowed at no. 8 Challoners Close is a small two bedroom bungalow built within the original extensive garden of 6 Challoners Close with a full road frontage. There is no comparison between this bungalow and the development proposed,
- the fact that the application provides for the reduction in the width if the earlier enlarged garden is in itself an admittance of overdevelopment of what may reasonably be expected to be achieved upon a site of this scale and layout,
- could lead to other back garden developments,
- will be seen in views from Beacon Hill Local Nature Reserve,
- the view from Challoners Close would be cluttered and incongruous compared to the established character setting, by virtue of the positioning of the proposed garage for the new dwelling on the road frontage and the angle that the house has been set at,
- the combination of the proximity of the proposed dwelling to no. 9 Challoners Close and the positioning of the garage in front of the proposed dwelling would result in a cluttered and highly developed frontage creating a terraced effect that would be entirely at odds with its surroundings,
- all new development should present an interesting and attractive frontage, particularly at street level, and
- the Conservation Area is a distinctive feature of Rottingdean and whilst it may be adjoined by more modern development to the east, this development has preserved its character by creating a landscaped environment of low density and unobtrusive housing.



**CAG:** Object as the group advised that the key issue is the effect of the proposed development on the setting of Challoners, a Grade II Listed dwelling immediately to the west. The group concluded that the close siting of the new dwelling would have a harmful impact on the garden setting of Challoners, which makes a particularly distinctive contribution to the Conservation Area.

**CAG's Rottingdean Preservation Society Representative (60 Dean Court Road),** objects as Challoners Close is a road of modern houses and no. 9 does have sufficient land to make a case, exceptionally, for a house in a garden. But the site immediately adjoins the most historic house in Rottingdean, Challoners, which is difficult to view from public land. A view in the original rural setting of rising downland can be obtained from Challoners Close this view would be closed off by the development proposed. Part of the difficulty lies in the current design.

**Rottingdean Parish Council,** objects as the site is not land adjacent but is part of the garden of 9 Challoners Close and is therefore a back garden development, architecturally this looks like a piecemeal development, is out of keeping with neighbouring properties and has too many velux windows. It is very close to the boundaries of 8 Northgate Close and the new boundary with 9 Challoners Close. The roof orientation is at odds with neighbouring properties and is out of keeping with the existing street scene. It will result in overlooking and loss of privacy. In 2005 a Planning Inspector refused permission for 2 dwellings on the same site, the reasons for which in the main are still applicable in this instance. The proposal would be a cramped development compared with neighbouring properties and would be detrimental to the character and appearance of the area. The two storey development would create an over-bearing impression close to the boundary walls on either side and to the rear thus having a detrimental effect on the living conditions of adjoining properties. By virtue of its design, siting, detailing and visibility the proposed house would detract from the setting and views from and to Challoners, a Grade II Listed Building. In addition it would obscure a view across the Conservation Area when viewed from the east, contrary to policies HE3 and QD4.

**Rottingdean Preservation Society,** objects on the grounds that it will be detrimental to the setting of the village's oldest historic building, Challoners and the setting and appearance of Rottingdean Conservation Area. The design of the proposal is totally out of keeping with both its modern and historic neighbours and would form an incongruous feature within the street scene. In addition, the proposed two-storey house will cause obtrusive overlooking, not only to certain rooms and the garden of Challoners but also to neighbouring properties at 14 Challoners Close and 8 Northgate Close leading to an unacceptable loss of privacy and detrimental effect on the living conditions of those properties.

**Tudor Close Residents Association (27 Tudor Close),** objects as the site would be overdeveloped and would impose on the privacy of adjoining

houses, nos. 14 Challoners Close, 8 Northgate Close and Challoners, the oldest building in Rottingdean, which is in the Conservation Area. Extra cars at the end of Challoners Close would be unacceptable with the turning circle opposite no. 9 emergency and trade vehicles would have difficulty manoeuvring. Parking in the vicinity of Tudor Close/Dean Court Road and Challoners Close is becoming an increasing problem particularly some further restrictions around The Green have been imposed. The proposed building would not enhance Challoners Close and would make the site look overcrowded.

**Internal:**

**Conservation and Design:**

**(Original Comments 27/11/2009)** The site adjoins the Rottingdean Conservation Area and the garden of Challoners a Grade II Listed Building. It falls within their settings and views. It forms part of the large garden area of no. 9 Challoners Close. The site stands in an elevated position on the valley side above the historic village and Challoners. The site of the proposed dwelling is visible through a gap in the trees from the garden and windows of Challoners.

From Challoners' garden the existing house at 9 Challoners Close and the houses to the north, 14 Challoners Close and 8 Northgate Close, can be seen in the background through deciduous trees. However, they are set well back and in summer the trees largely screen them.

Rottingdean is a historic village that has experienced suburban accretion on its eastern and northern sides, but backs on protected open downland on most of its western side. This modern development is largely screened from view from within the Conservation Area, thus largely maintaining the appearance of a rural village, although glimpses modern development on higher can be seen in some long views.

Views of Challoners and the application site are afforded from Falmer Road, The Green and Kipling Gardens. Whilst these views are largely screened from view in summer by trees, in winter they can be seen through these mainly deciduous trees. Little Challoners is also Listed, as are Down House, The Old Farmhouse and Squash Court opposite.

No. 9 Challoners Close is located approximately 28m from Challoners at their nearest points. The proposed dwelling would project 7.6m beyond the rear building line of the main part of no. 9 to a point 11m from the boundary with Challoners and 20m from Challoners at its nearest point. The new dwelling would therefore be close to Challoners and infill the gap between no. 9 Challoners Close and no. 8 Northgate Close.

The form of the building is a double-pile house with ridged and gabled roofs. The two piles are staggered with the more northerly pile being set further back to the west and closer to Challoners. Although the building's form is traditional

and is intended to reflect the form and west elevation of Challoners, its windows, French doors and Juliet balconies are large and distinctly modern. The roof has ten rooflights in some of which are quite large. This fenestration is incongruous with the building's traditional form and with the character of the nearby Listed Buildings and other historic buildings in the Conservation Area due to its size, positioning and proliferation of rooflights.

Whilst the stated construction materials reflect those of Challoners and the materials found in the Conservation Area, the white render would make the building stand out and be more visually intrusive, especially as it is proposed for the more visible element of the building.

Given its large size, elevated position, close proximity, design, materials and lack of existing or proposed tree screening, it would be much more prominent in the setting of Challoners than the existing buildings. It would be over-dominant and over intrusive in this setting and in longer views of Challoners. It would also break the skyline and be intrusive in the setting and views of the Conservation Area. Together with the existing house on the site which has already been greatly extended, the setting of Challoners and the Conservation Area would appear much more built up, to the detriment of the character and appearance.

**(Additional Comments 27/01/2009 following the submission of amendments)** The deletion of the Juliet balcony on the south elevation and its replacement with a rooflight above overcomes concerns about the inappropriateness of that feature. However it adds to concerns about the excessive no. of rooflights and their cluttered appearance.

The reduction in size of the right hand rooflight on the south elevation overcomes concerns about its size, but does not overcome concerns about the excessive no. of rooflights.

These changes are relatively minor and do not overcome the overall concerns about the proposal's size, position and design and its effect on the setting and views of the adjacent Listed Building and Conservation Area.

The additional planting of semi-mature trees along the south boundary would have only a limited effect in the longer term in screening the development and very little in the short term. They are not tall forest tree species.

The additional photomontage with the outline in red of the existing house and proposed house at no. 9 Challoners Close is as seen from a point to the west of the green space on the east side of Falmer Road. This shows that from this location, the house would be largely concealed. However the peak of one of its gables would intrude in views and break the skyline immediately to the south of Challoners. The new development would, however, be visible and intrusive in many other views both from within the grounds of Challoners and from the surrounding Conservation Area. In view of this the previous

recommendation remains the same.

**Environmental Health:** No comment.

**Traffic Manager:** Would not wish to restrict grant of consent subject to inclusion of conditions relating to the new cross-over, the provision of cycle parking areas, the provision of the proposed parking areas and the provision of a contribution towards objectives of sustainable development.

**Arboriculturist:** Trees to the rear of the house currently situated at 9 Challoners Close and trees in the adjoining property at 8 Northgate Close are covered by Preservation Orders. At the rear of the development site is a small cherry and in the front garden of the property are 2-3 trees of small stature (cherries etc).

The Arboriculturist Section do not object to this proposal, however, the preserved trees mentioned above and the cherry in the rear garden must be protected to BS5837(2005) Trees on Development Sites. The applicant may also wish to protect the trees in the front garden during the development to prevent damage by building site traffic.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of Conservation Areas

Planning Advice Note

PAN03 Accessible Housing and Lifetime Homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

SPGBH16 Energy efficiency and renewable energy

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

## **7 CONSIDERATIONS**

### Background

In 1988 under application reference BN88/1633 approval was granted for the erection of a two-storey detached dwelling. This previous approval is not considered to hold much weight as a material consideration in the determination of the current application as approval was granted prior to the adoption of the current Local Plan. In addition the design, positioning and orientation of the property approved in 1988 differ significantly to that now proposed.

Outline Planning Permission was sought in 2004 for the erection of two dwellings within the curtilage of no. 9 Challoners Close. This application was refused on grounds that the proposal was an overdevelopment of the site resulting in overlooking and loss of privacy to neighbouring properties, failing to meet the key neighbourhood principles of design and to enhance the positive qualities of the neighbourhood and by failing to provide adequate cycle and refuse storage. This application was also dismissed on appeal for similar reasons.

In the determination of the current application consideration must be given to the impacts of the proposed development on the character and appearance of the existing dwelling, the Challoners Close street scene and the wider area especially the setting of the Rottingdean Conservation Area and the neighbouring Listed Building. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions for future occupiers, sustainability and highway issues matters must also be considered.

### Principle of Development

National Planning Policy on Housing (PPS3) and policy QD3 of the Brighton & Hove Local Plan seek the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development, such as residential gardens. PPS3 however does make it clear that there is no presumption that land which is previously developed, derelict or in use, such as the garden area to which the applicant relates, is necessarily suitable for housing development or that the whole of the curtilage should be developed. Therefore the principle of the development of the site for an additional residential unit is not in question but the matter in this instance is whether the re-development of the plot currently related to no. 9 Challoners Close is acceptable given the tests set out in Local Plan policy and PPS3.

PPS3 states that development should be integrated with and complementary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are whether it would:

- be integrated with and complimentary to the area;
- comprise the quality of the local environment;
- be inappropriate in its context; and
- fail to improve the character and quality of the area.

These matters are all considered below.

### Visual Amenities

As already stated the application relates to part of the existing garden area related to no. 9 Challoners Close, a two storey red brick and tiled detached house located in the north-western corner of Challoners Close. The existing property currently has a large single storey garage extension on the northern side of the property and a rear conservatory extension on the western side.

The proposal requires the subdivision of the garden area currently related to 9 Challoners Close and would result in an infill development between 9 Challoners Close and 8 Northgate Close. In addition to the subdivision of the garden area of the existing property, part of the garage located to the northern side of the existing property will be demolished and altered in order to accommodate the proposed development; the applicant has stated that such alterations to the existing garage will be subject to a separate planning application. The existing garden area will be subdivided on an east to west basis.



The building form of the proposed 4 bedroom dwelling is a double-pile house with ridged and gabled roofs. The gables of the proposed development will face east and west. The two proposed wings of the property are staggered with the more northerly wing being set further back to the west. The ridge of the pitched roof related to the northern wing of the proposed dwelling will be set at a lower level than that of the southern pitched roof. A detached pitched roof garage will be located to the east of the proposed development and will be accessed via the existing driveway currently related to no. 9 Challoners Close.

The proposed dwelling will also comprise split levels in order to take account of the gradient upon which it will be located. As a result of the gradient the proposed dwelling will have a maximum ridge height of approximately 8m above associated ground level when viewed from the east of the site but a ridge height of approximately 9.5m above associated ground level when viewed from the west. A raised terrace of approximately 1.7m will be located at the rear of the property to accommodate the variation in ground level of the site.

Plans submitted as part of the application show that the southern ridge of the proposed dwelling, which is higher than the ridge of the northern wing of the property, will be set lower, by approximately 0.3m than the ridge of the existing dwelling, no. 9 Challoners Close.

The footprint of the proposed dwelling is considered to be large in comparison to the original mass of 9 Challoners Close.

The roof of the proposed dwelling will contain 13 rooflights of various shapes and sizes as well as the insertion of a solar panel within the southern most facing roofslope. The proposed rooflights, by virtue of the excessive number proposed and their various sizes and random positioning are considered to be of detriment to the appearance of the proposed development.

The proposed pitched roof garage, which will be located a minimum distance of approximately 1.6m to the east of the new dwelling and adjacent to the northern boundary of the site, will measure approximately 4.2m wide, 6.7m in depth and will have a ridge height a maximum of approximately 5m above ground level. It is considered that as a result of the positioning of the proposed garage in front of the northern wing of the proposed development in addition to its design and height the proposed garage would be a visually intrusive element to the front elevation of the proposed development when viewed from within areas to east of the proposal in addition to being of detriment to the character and appearance of the Challoners Close street scene.

Located directly to the west of the site is Challoners, a Grade II Listed Building. This neighbouring property which is a large storey detached 16<sup>th</sup> Century house with an 18<sup>th</sup> Century south facing front façade, is set at the

northern end of a large terraced garden and faces south. Although accessed from Falmer Road/The Green this property is set back from the adjacent highway behind Little Challoners, another Listed Building, in an elevated position above the pavement level of the road.

It is acknowledged that the Council's Conservation Officer considers that the style and design of the proposed windows, French doors and Juliet balcony result in incongruous features in relation to the buildings traditional form, which reflects the form and eastern elevation of Challoners, in addition to being of detriment to the setting of the Listed Building and Conservation Area. However, given the distance located between the proposed dwelling, Challoners and the boundary of the Conservation Area it is considered that the windows and doors will not be highly visible when viewed from with the setting of the adjacent Listed Building or the Conservation Area and as a result it is considered that they will not have a significant adverse impact upon the setting of Challoners or the Rottingdean Conservation Area.

The proposed dwelling will be constructed with a clay tile roof and white aluminium windows. The elevations of the elevations of the southern wing of the proposed dwelling will be finished in a white render whilst the northern wing will be comprised of elevations of flint and brickwork dressings.

The proposed detached garage will be constructed of a pitched slate roof and rendered walls.

Established trees are located either side of the shared common boundary currently located between no. 9 Challoners Close and Challoners. However as a result of the limited number of trees along this boundary being of a deciduous variety, they fail to provide all year round screening between the site and Challoners. It is not clear whether the applicant intends to increase the vegetation screening along the western boundary of the site. As a result of the limited vegetative screening along the western boundary of the site and the elevated positioning of the site in relation to Falmer Road/The Green, the proposed development is visible from Falmer Road/The Green, and windows within the Grade II Listed Building.

Whilst it is considered that the chosen construction materials reflect those evident on Challoners and materials found in other parts of the Rottingdean Conservation Area, the white render finish would make the building more prominent and more visually intrusive, especially when viewed from the adjacent Listed Building and Rottingdean Conservation Area, especially as the white render finish is proposed for the more visible wing of the proposed dwelling.

The historic village of Rottingdean, which backs onto protected open downland on a majority of the western side of the village, has experienced suburban growth on the eastern and northern sides. However these modern developments are largely screened from view from within the Conservation

Area thus mostly maintaining the appearance of a rural village.

Despite it being considered that the proposed house can be satisfactorily integrated within the Challoners Close street scene, it is considered that the proposed development, by virtue of the elevated position of the site, the height of the proposed dwelling, the lack of western boundary screening, the proximity of the proposed dwelling to Challoners, the use of a western facing gable ends, the use of white render and the proposed number of rooflights, will have a detrimental impact upon the setting of the adjacent Listed Building of Challoners and the setting and character and appearance across the Rottingdean Conservation Area especially when looking towards the site from Kipling Gardens and The Green/Falmer Road.

#### Living Conditions for Future Occupiers

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. It is considered that the subdivision of the land currently related to no. 9 Challoners Close will provide adequate private usable amenity space for the occupiers of the new dwelling whilst retaining adequate amenity space for the occupiers of no. 9 Challoners Close.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as the proposal is for a new build development all of the standards must be incorporated into the design. Within the submitted Design and Access Statement it is stated that the proposed property has been designed to meet the Lifetime Homes Standards, for example all entrances will be illuminated and have level access thresholds to front and rear doors, spaces are set out to accommodate ramped or sloping access throughout the site, the provision of one garage, a ground floor bedroom suitable for wheelchair access and a fully accessible shower is provided, the stairs will be capable of taking a stair lift and there is space for a future through lift.

#### Transport Issues

Policy TR1 of the Brighton & Hove Local Plan requires new development to address the demand for travel and should be designed to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car.

The site is located outside of the City's controlled parking zones and as a result free on-street parking is provided within the vicinity of the site.

The proposed development includes the provision of 1 parking space by way of the provision of a detached garage at the front of the property and the retention of the existing driveway on the western side of the site. Plans submitted as part of the proposal indicate the storage of two cycles within one of the corners of the garage.

In addition to the on-site transport facilities set out above the site is located in proximity to public transport, namely a bus service.

In order to comply with policy TR1 of the Brighton & Hove Local Plan, if approved, a condition should be attached to the approval to ensure improvements to sustainable transport infrastructure strategy.

#### Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials.

In accordance with policy SU2 of the Brighton & Hove Local Plan all of the rooms within the property are provided with means of natural light and ventilation therefore reducing the reliance on mechanical means of ventilation and artificial lighting which result in an excessive draw on energy.

Plans submitted as part of the application indicate the insertion of a solar panel to the southern most south facing roofslope of the proposed dwelling to provide heating for domestic and space heating. In addition it is stated within the submitted design and access statement that the scheme embraces materials from sustainably managed sources, recyclable materials, low consumption of water and the use of aerated taps and rain water collection. Within the information submitted it is not stated which level, in relation to the Code for Sustainable Homes, the proposed dwelling would meet, however it is considered that this issue could be dealt with via a condition attached to an approval to ensure that the proposed dwelling is built to Level 3.

Policy SU13 requires the submission of a site waste management statement when a proposal is for a development of less than 5 new housing units. As part of the application such a statement has been submitted. This document is considered to be sufficient however it is recommended that a condition is attached to an approval to ensure that the measures contained within the statement are implemented.

The storage of refuse and recycling facilities will be provided with the garage located of the front of the property.

#### Impact Upon Amenities of Neighbouring Properties

Due to the orientation of the proposed a minimum distance of approximately 2.5m will be located between the southern elevation of the proposed dwelling and the shared common boundary which will be created with no. 9 Challoners Close.

Within the proposed development a sitting room window is proposed on the western end of the south facing elevation at ground floor level whilst an etched glazed landing window, is proposed between ground floor and first floor level within the centre of the south facing elevation of the property. These windows will face onto the north facing elevations of no. 9 Challoners

Close and its associated side garage. Plans submitted as part of the application show the provision of a fence along this new shared boundary, of approximately 2m in height in addition to the planting of semi-mature trees along the new southern boundary of the site. Despite the raised position of the proposed sitting room window in relation to the rear garden area of the southern neighbouring property, no. 9 Challoners Close, it is considered that the inclusion of the window within the western end of the south facing elevation will not have a significant adverse impact upon the amenities of the current and future occupiers of this neighbouring property given that the garden area of the existing property is currently overlooked by the existing neighbouring properties.

No. 9 Challoners Close is located approximately 28m from Challoners, at their nearest points. The proposed dwelling would project beyond the rear building line of the main part of no. 9 Challoners Close by approximately 8m and as a result the western elevation of the proposed development will be located a minimum distance of approximately 11m from the western boundary and approximately 20m from the eastern elevation of Challoners.

As a result of the gradient upon which the site is located the proposed dwelling will be located in an elevated position in relation to the western neighbouring properties. Windows within the western elevation of the proposed development will face towards Challoners and Pineglade. A flint wall of approximately 2m in height is located along the western boundary of the site address which adjoins the garden areas of the neighbouring properties in addition to a limited number of established deciduous trees and established vegetation on both side of the boundary. Windows which are located in the upper floor levels of these neighbouring properties are currently visible above the shared boundary from within the site. The application is not accompanied by a sectional drawing showing the proposed dwelling, especially the positioning of the proposed western facing windows, in context with the rear shared boundary wall and the east facing windows within Challoners and Pineglade and therefore the Local Planning Authority cannot make a full assessment of the impacts of the proposed development upon the amenities of the western facing neighbouring properties with regards to overlooking and loss of privacy.

Whilst it is acknowledged that the occupiers of 9 Challoners Close can achieve elevated views towards the rear garden and rear sections of Challoners, the proposed development will be located in closer proximity to the western neighbouring properties and therefore could have a significant adverse impact upon the amenities of the western neighbouring properties with regards to overlooking and loss of privacy.

Due to the urban form of the surrounding area the northern boundaries of the site adjoin both nos. 14 Challoners Close and no. 8 Northgate Close. The northern elevation of the main part of no. 9 Challoners Close is located a minimum of approximately 14.8m from the boundary with no. 14 Challoners

Close and a minimum distance of approximately 29.8m from the boundary with no. 8 Northgate Close. The north elevation of the proposed dwelling will be located a minimum distance of approximately 2.4m from the boundary with no. 14 Challoners Close and a minimum distance of approximately 7.8m from the boundary with no. 8 Northgate Close.

The design of the proposed development is such that rooflights are used to provide natural light to the accommodation within the pitch of the roof of the property rather than vertical window openings on the north side of the proposed dwelling. The bottom sill of the north facing rooflights will be located approximately 2.2m above floor level.

Windows however will be inserted within the ground floor north facing elevation of the new dwelling.

The existing northern boundary treatment will be retained as part of the proposal. This boundary treatment is comprised of a solid fence of approximately 2m high, which follows the natural slope of the land, with a decorative trellis of approximately 1m in height located above part of the boarded fence which runs along side the boundary with no. 14 Challoners Close. As a result of the omission of vertical first floor north facing windows, the height above floor level of the proposed rooflights and the existing northern boundary treatment it is considered that the proposed development will not have a significant adverse impact upon the amenities of the northern neighbouring properties, nos. 8 Northgate Close and 14 Challoners Close, with regards to loss of privacy or overlooking.

Despite the proposal resulting in an infill development between no. 9 Challoners Close and the northern neighbouring properties, it is considered that as a result of the design of the proposed development, the orientation of the northern neighbouring properties in relation to the proposed development and the distance which will be retained between the proposed development and the northern neighbouring properties, the proposal will not result in a sense of enclosure to the northern neighbouring properties.

Given the orientation and positioning of the proposed dwelling in relation to neighbouring properties and the design of the proposed dwelling it is considered that the proposal will not have a significant adverse impact upon the amenities of any of the surrounding neighbouring properties with regards to overshadowing or loss of light/sunlight.

#### Other Issues

Trees located within the rear area of the existing dwelling no. 9 Challoners Close and trees within the curtilage of 8 Northgate Close, which adjoins the site, are covered by tree preservation orders. Within the site of the proposed dwelling is a small cherry tree in addition to 2 trees of small stature in the front garden of the proposed development. Whilst no objection to the proposed development is raised by the Council's Arboriculturist it is recommended that,



if approved, conditions are attached to an approval to ensure the protection of the stated trees during the construction of the proposed dwelling.

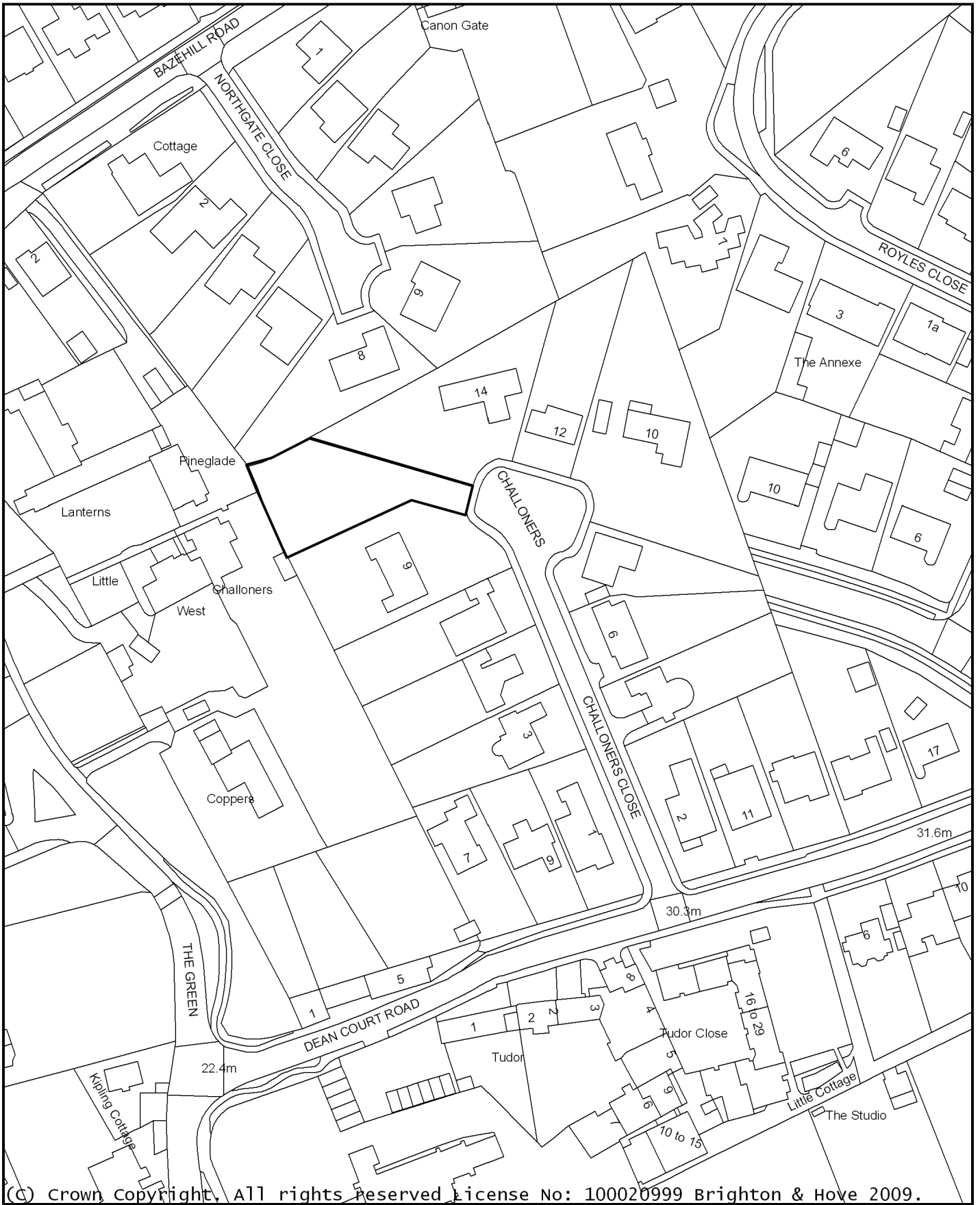
Conclusion

For the reasons set out above it is considered that the proposed development is contrary to policies of the Brighton & Hove Local Plan, refusal is therefore recommended.

**8 EQUALITIES IMPLICATIONS**

If overall considered acceptable the development would be required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove

# BH2008/03043 Land adjacent to 9 Challoners Close



Date: 03/03/2009 03:23:50

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<b><u>No:</u></b>	<b>BH2008/03730</b>	<b><u>Ward:</u></b>	<b>WOODINGDEAN</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Sutton Close, Woodingdean</b>		
<b><u>Proposal:</u></b>	<b>The provision of 10 no. echelon parking spaces to a central reservation, including anti-traffic bollards to remainder of site. Earth bunds planted with Hebe bushes.</b>		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Received Date:</u></b>	28 November 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	03 February 2009
<b><u>Agent:</u></b>	BLB Surveyors, Pavilion House, 14-15 Dorset Street, Brighton		
<b><u>Applicant:</u></b>	Mr Gordon Stanford, Brighton & Hove City Council, Housing & Technical Services Portslade, Victoria Road, Portslade		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation and resolves to **REFUSE** planning permission based on the following reasons and Informative:

1. The applicant has failed to justify the loss of public open space and has not demonstrated that the development is of national importance or essential to meet social, environmental and/or economic needs which cannot be located elsewhere. Furthermore the works would have a damaging impact upon the recreational, community and amenity value of the open space. This is contrary to policy QD20 of the Brighton & Hove Local Plan.
2. The loss of open space is considered to have a harmful impact upon the character and appearance of the area. The development would result in incongruous hard landscaping and vehicle parking and would fail to emphasise or enhance the developed background and the layout of the surrounding streets and space. This is contrary to policies QD1, QD2, QD20 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on Design and Access Statement, Waste Minimisation Statement, Biodiversity Checklist and BLB drawing nos. 06041-001, 002, 003 submitted on 28 November 2008.

## 2 THE SITE

The application relates to an area of grassed public open space located in the centre of Sutton Close. The land is surrounded by vehicular highway on all sides and enclosed by existing housing development except from the south. The area of open space is a prominent characteristic feature of the close and area. The pattern of development is repeated within a number of adjacent closes and in the wider surrounding area.

An application for a similar scheme at Marden Close ref BH2007/01074 was approved by the Planning Committee, contrary to the officers recommendation in June 2008.

### 3 RELEVANT HISTORY

A similar proposal for the provision of 10 new parking spaces to the open space in Marden Close ref: **BH2007/01074** was approved 18 June 2008.

### 4 THE APPLICATION

The application seeks planning permission to re-landscape the area of public open space and form 10 car parking spaces.

### 5 CONSULTATIONS

#### External:

**Neighbours: 8 and 10 Sutton Close** object to the application on the following grounds:

- The neighbouring close which has been developed in a similar way is in chaos with people being unable to park properly

**Cllr Dee Simpson:** Supports the application as a ward councillor and requests the application to be determined by the Planning Committee (comments attached).

#### Internal:

#### Traffic Manager:

I can confirm that the transport safety grounds on which my previous comments were based can be removed as a reason for refusal. I would however still wish to raise the concern of the principle of the proposed car parking because it fundamentally runs contrary to the philosophy of national, regional, and local policy about the availability of car parking and it affects on peoples transport choices.

### 6 PLANNING POLICIES

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking standards
SU13	Minimisation and reuse of construction industry waste
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
QD15	Landscape design
QD20	Urban open space
QD27	Protection of amenity

#### East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction, Re-use and Recycling during Demolition and Design,

## and Construction of New Developments

### Supplementary Planning Guidance/Documents:

SPG4 Parking standards

SPD03 Construction and demolition waste

## **7 CONSIDERATIONS**

The main considerations in this case are the impact of the development upon the character and appearance of the area, the loss of urban open space, highway safety and parking provision and waste minimisation.

### Visual amenity

It is considered that the proposed development neither emphasises or enhances the positive qualities of the neighbourhood and does not take into account the background development or the layout of the prevailing streets and spaces.

The development seeks to resurface parts of the landscaped area with hardstanding to provide an additional 10 vehicular parking bays. Additionally some new planting will be added to the open space. This will have the effect of breaking down the open space and changing its appearance so that it differs from the other similar closes within the estate.

The areas of open space are considered important in forming the character and appearance of the estate and are amongst the most important features of this area of Woodingdean. The estate is typical of its period, with rows of small terraces or pairs of semi detached houses with strict building lines, generous plots sizes and use of red brick. The design and detailing of the dwellings have little variation with a very strict use of roof pitches, fenestration and materials. This results in a very ordered and consistent street scene.

It is considered that the loss of the green open space would have a harmful impact upon the character and appearance of the area. The new hardstandings and vehicles parked thereon would create alien features within the estate which would be incongruous and harmful to the appearance of the area. The development fails therefore to emphasise or enhance the developed background and the layout of the streets and spaces.

The Marden Close permission has recently been implemented. It is appreciated that the proposed planting as part of that scheme has not had sufficient time to mature. However it is considered that the parking provided results in an incongruous addition to the street scene and should not be used as a precedent for such development. The application at Marden Close was approved at Planning Committee whereby councillors overturned the officer's recommendation for refusal. Planning policies relating to that application have not changed over the past year and still stand for this current application.

### Open space

The development will result in the loss of some public open space and therefore must be considered against the policy QD20 of the adopted Local Plan. It states that permission for the loss of public open space should not be granted because of their importance to recreational, community, historical, conservation, economic, wildlife, social and the preservation of the character, appearance, layout and features of importance.

Furthermore, policy QD20 states that an area of open space should only be lost under exceptional circumstances. It is expected that it can be demonstrated that the development is of national importance or essential to meet social, environmental and economic needs. Where such exceptions do apply it is expected that alternative open space of a suitable size, type, layout character and appearance and location should be supplied.

No justification has been submitted with this application which would be deemed an acceptable reason for allowing the redevelopment of this site. The site is considered important as it provides a social and recreation resource for the residents of the area. Furthermore the open space adds significantly to the character and appearance of the area and should be preserved.

A present parking problem is not considered sufficient enough reason to allow for a loss of open space in this case. No serious justification for allowing the works has been offered and it is considered the proposal is contrary to policy QD20.

It is acknowledged that Planning Committee approved the similar application at Marden Close (BH2007/01074). However, there is a shortage of open space within the City and it is considered that policy QD20 has more weight than the approval of the Marden Close application, in the determination of this application. If this application were to be approved then it would set a precedent with serious consequences for open space provision, as there are a number of other similar areas of open space in the City which could then be developed for car parking.

### Traffic issues

The Traffic Manager has removed his original objection with regard to highways safety and the additional stopping, turning and reversing that would be created. However he still feels that the proposed development undermines the greater sustainability objectives of the Council.

### Waste minimisation

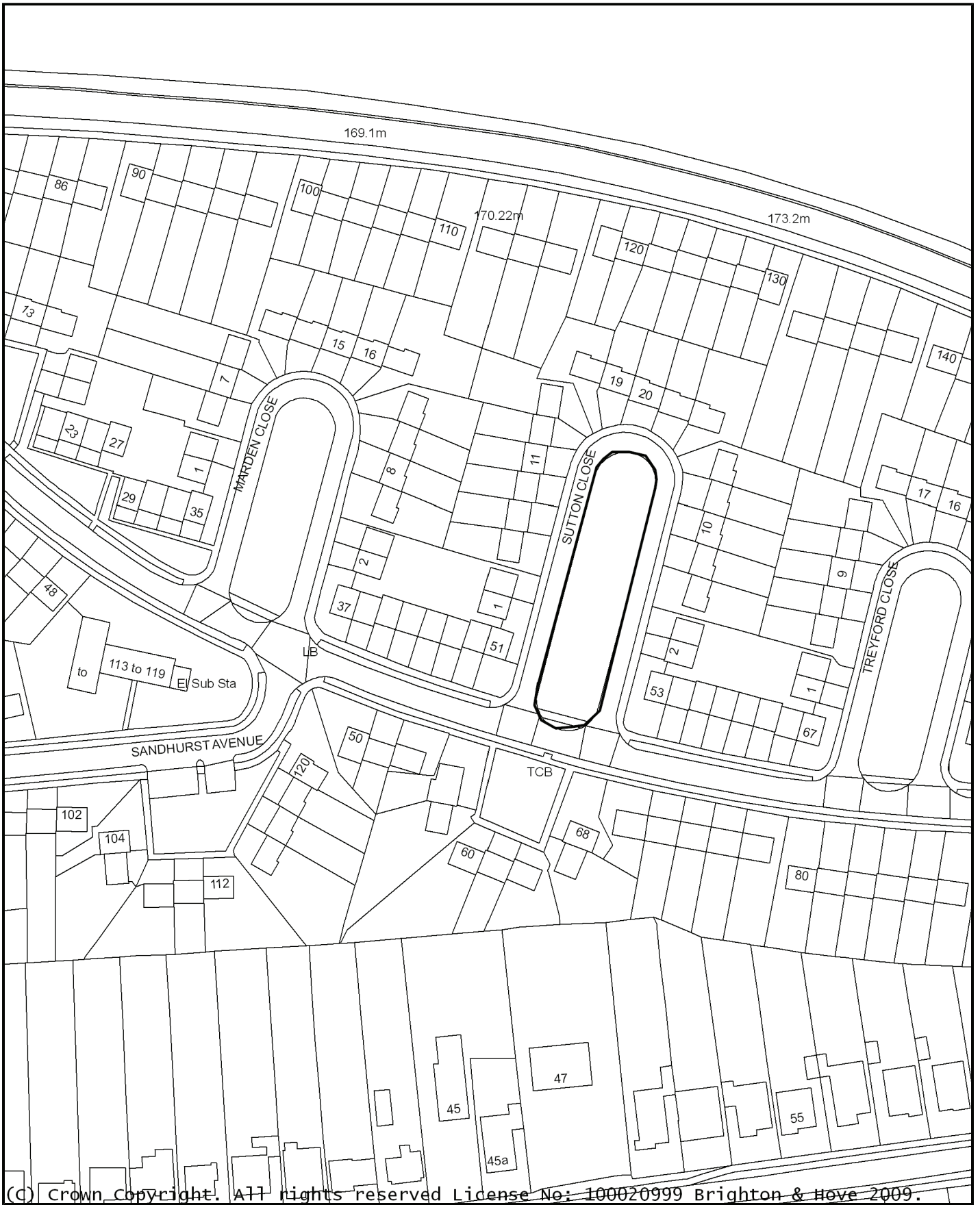
This development requires a Waste Minimisation Statement to address the reuse and minimisation of construction waste that will be generated as a result of the proposed physical alterations. Policy SU13 requires development proposals of this nature and scale to be accompanied a waste minimisation statement to address the use of construction materials to limit waste. An acceptable statement was submitted.



## **8 EQUALITIES IMPLICATIONS**

The proposal does not include any widened disabled persons' parking spaces.

# BH2008/03730 Sutton Close



Date: 03/03/2009 02:32:04

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove  
City Council**

PLANS LIST – 18<sup>TH</sup> MARCH 2009

COUNCILLOR REPRESENTATION

Mr Anthony Foster  
Planning Officer  
Development Control  
Hove Town Hall

Date: 27 February 2009  
Our Ref: DS/vg  
Your Ref:  
Phone: 01273 291012  
Fax: 01273 291003  
e-mail: [dee.simson@brighton-hove.gov.uk](mailto:dee.simson@brighton-hove.gov.uk)

Dear Mr Foster

**Re: BH2008/03730 – Sutton Close**

I am writing to give my support as Ward Councillor for the above planning application. Whilst I appreciate it may well go against certain planning guidance, I feel that it will in fact make the area safer, as currently large areas of grass are only used as a car park anyway especially in the evenings.

I would not normally support the loss of green space like this but they are very large greens, which give rise to other kinds of social problems such as football etc, and it's not as though there isn't plenty of green space within a very short walking distance.

As you indicate that you are minded to refuse this application, I would ask that it be referred to the Planning Committee for determination.

Yours sincerely

**Councillor Dee Simson**

<b><u>No:</u></b>	<b>BH2008/03720</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>Mews House, St Johns Road</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing terrace and erection of a single storey rear extension and new terrace.</b>		
<b><u>Officer:</u></b>	Chris Wright, tel: 292097	<b><u>Received Date:</u></b>	28 November 2008
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	06 February 2009
<b><u>Agent:</u></b>	Clive Hawkins Architects Ltd, 39 Riley Road, Brighton		
<b><u>Applicant:</u></b>	Aurotos, Mews House, St Johns Road		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. BH01.01 Full Planning Permission.
2. BH12.02 Materials to match – Cons Area.
3. No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:2 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** As insufficient information has been submitted, in the interests of visual amenity and preserving the historic character and appearance of the Brunswick Town Conservation Area and to comply with policy HE6 of the Brighton & Hove Local Plan.
4. The lower sill height of the high level glazing to the southern (flank) elevation of the extension hereby permitted shall be at least 1.75m above finished internal floor level at all times.  
**Reason:** In order to safeguard the privacy of adjoining occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. BH02.04 No permitted development (windows and doors).

### Informatives:

1. This decision is based on the design and access statement; waste minimisation statement; biodiversity checklist; and drawing nos. 030 Revision b, 031 and 04 submitted on 28 November 2008 and 12 December 2008.
2. This decision to grant Planning Permission has been taken:

- i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
  - QD2 Design – key principles for neighbourhoods
  - QD14 Extensions and alterations
  - QD27 Protection of amenity
  - HE6 Development within or affecting the setting of conservation areas; and
- ii. for the following reasons:
 

The scale, form, design and external finishes of the extension are in keeping with the historic character of the building, its surroundings and the wider Brunswick Town Conservation Area. The development would not adversely affect neighbour amenity in terms of overshadowing, loss of privacy or by creating an undue sense of enclosure.

## 2 THE SITE

The application relates to a three-storey plus basement end of terrace dwelling built in the late 1980s and located behind Nos. 1 and 2 Adelaide Mansions (Grade II listed). The building is situated within the Brunswick Town Conservation Area.

## 3 RELEVANT HISTORY

**BH2008/02278:** Demolition of existing terrace and construction of single storey rear extension and new terrace – withdrawn 28 January 2009.

**BH2008/02021:** Conversion of existing single dwelling house to on lower ground floor flat and one three-storey maisonette – refused 3 September 2008.

**BH2008/02017:** Roof extension to provide an additional storey – refused on 2 September 2008.

**BH2008/01917:** Replacement and repositioning of balcony doors to second floor balcony – approved 4 November 2008.

**BH2007/00681:** Creation of roof garden with glazed balustrading and access staircase. Replacement of garage door with window – withdrawn. 8<sup>th</sup> May 2007.

**3/87/105:** (Rear of 1 & 2 Adelaide Mansions) Demolition of rear addition and construction of three storey house plus existing basement – approved 5<sup>th</sup> February 1988.

## 4 THE APPLICATION

The application seeks consent for a single storey rear extension as follows:-

- Painted softwood construction with painted render walls.
- Glazed lean-to roof sloping down from a height of 2.8m to 2.3m above adjacent ground level.
- Part glazed rear section.
- Glazed north elevation with doors out onto rear yard/terrace.
- Dimensions: 1.7m wide and 4.2m in length.
- Siting: In the southwest corner of the L-shape rear yard set 300mm off the

rear curtilage wall which backs onto Adelaide Mansions, and between 200mm and 300mm off the west boundary wall.

## 5 CONSULTATIONS

### External:

**Neighbours:** Representations have been received from **Flat 1a (x2), Flat 2, Flat 5, Flat 6, Flat 7 and Flat 11 of 1-2 Adelaide Mansions**, objecting to the proposal for the following reasons:-

- Proposal will prevent adjacent occupiers opening a window in the party wall.
- Noise implications.
- Increased footfall.
- Close to bedrooms in Adelaide Mansions.
- Existing light and noise pollution.
- Little consideration for neighbours.
- Parties, anti-social behaviour.
- Party revellers dancing on the flat roof.
- Police called several times.
- Loss of light.
- Overlooking of Flat 1A and the rear basement of Flat 4.
- Loss of natural light, sky view and outlook to kitchen of Flat 1A and deterioration of living conditions.
- Party wall issue with Flat 2.
- Plans refer to Adelaide Crescent adjoining, this should read Adelaide Mansions.

### Internal:

**Conservation & Design Team:** No objection.

This proposal will not be readily visible and the scale and materials are considered appropriate.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas.

## 7 CONSIDERATIONS

The principal considerations in the determination of the application include the design and appearance of the extension and its visual relationship with the host dwelling and adjoining buildings and the wider conservation area, and the impact upon residential amenity.

### Design and appearance

Policies QD2, QD14 of the Brighton & Hove Local Plan require extensions to take into account local characteristics and achieve a high standard of design



that is appropriate and sympathetic to the host building. The construction of a predominantly timber extension with substantial amounts of glazing, including a glazed lean-to roof, is appropriate for a small rear extension to this building and utilises materials and finishes that relate well to the host dwelling and which might have been employed historically in the area. The small scale of the development and the sloping roof minimise the bulk of the addition and it would have a subservient relationship with the host building. The design and detailing is of an acceptable standard and considered an improvement on the previous scheme for a solid structure of greater height and massing. Accordingly the proposal complies with the above policies.

#### Impact on the Brunswick Town Conservation Area

Being at the rear of the building, the extension would not be readily visible from a public viewpoint, although glancing views may be possibly through the car park to the Imperial Hotel in First Avenue. In any case there are other later additions visible from First Avenue, including an extension to the hotel itself, which would render the extension a subordinate feature of the street scene with commensurately diminutive visual impact. In this respect the proposal accords with policy HE6 of the Brighton & Hove Local Plan.

#### Impact on residential amenity

Policy QD27 of the Local Plan does not favour development that would be harmful to residential and neighbour amenity, most commonly caused by noise, loss of light and loss of privacy. The reduced height and sloping roof of the extension represent improvements to the previous scheme (BH2008/02278) and have the effect of reducing the bulk. The extension has been moved away from the site boundaries leaving gaps of between 200mm and 300mm to the existing curtilage walls. The extensive use of glazing to the rear and side, allows light to pass through and as such the impact on neighbours, in terms of the overbearing impact and sense of enclosure, is mitigated. To the ground floor level behind the proposed extension is a kitchen window belonging to a flat in Adelaide Mansions (Grade II listed). However, for the reasons outlined above, the extension would not have a detrimental impact on living conditions as sufficient light and outlook would remain at this kitchen window.

The use of the yard as a terrace to the northern side of the extension would not be harmful to neighbouring amenity. This area is already in use as private amenity space and no additional impact is likely to occur.

The application accords with policy QD27.

#### Conclusion

The scale, form, design and external finishes of the extension are in keeping with the historic character of the building and its surroundings and the development would not adversely affect neighbouring amenity in terms of overshadowing or overlooking.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The scale, form, design and external finishes of the extension are in keeping with the historic character of the building and its surroundings and the development would not adversely affect neighbour amenity in terms of overshadowing or overlooking.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/03720 Mews House, St Johns Road



Date: 03/03/2009 09:33:00

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<b><u>No:</u></b>	<b>BH2008/03918</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>London Road Viaduct, Beaconsfield Road</b>		
<b><u>Proposal:</u></b>	<b>Installation of feature lighting system to arches.</b>		
<b><u>Officer:</u></b>	Liz Holt, tel: 291709	<b><u>Received Date:</u></b>	17 December 2008
<b><u>Con Area:</u></b>	Part within Preston Park	<b><u>Expiry Date:</u></b>	06 March 2009
<b><u>Agent:</u></b>	Do-Architecture Ltd., 139 Stockwell Street, Glasgow		
<b><u>Applicant:</u></b>	Mr Jim Mayor, Room 324, Hove Town Hall, Norton Road, Hove		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and resolves that the Secretary of State **GRANTS** listed building consent, subject to the following Conditions and Informatives:

### Conditions:

1. BH01.05 Listed Building Consent.
2. No works shall commence until details of the control box and metal cable trunking, which shall be colour coated or painted in a colour to match the brickwork, have been submitted to and approved by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** To ensure the satisfactory preservation of this listed structure and to comply with policy HE1 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on a Heritage Statement submitted on the 17<sup>th</sup> December 2008, on a Design and Access Statement and drawing no. (EX) 01RevA submitted on the 9<sup>th</sup> January 2009, drawing nos. (21)01RevA, (PL) 10RevE, (PL) 11RevE, (PL) 12RevD, (PL) 13RevD, (PL) 14RevD (as amended), (PL) 15RevD, (PL) 16RevD and (PL) 21RevA submitted on the 25<sup>th</sup> of February 2009 and an e-mail dated the 27<sup>th</sup> February 2009.
2. This decision to has been taken:
  - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:  
HE1 Listed Buildings; and
  - ii. for the following reasons:-  
Subject to the compliance with the attached condition, the proposed lighting system is considered not to be of detriment to the architectural

and historic character and appearance of this Grade II\* Listed structure.

## 2 THE SITE

The application relates to the London Road Viaduct, a Grade II\* Listed Structure, which was built by John Rastrick between 1845 and 1846. The structure comprises an elliptical arch of approximately 15m wide over Preston Road (A23) and another 26 round arches of approximately 9m wide. The viaduct extends in a curve for approximately 366m from London Road station, located to the east of Beaconsfield Road, to almost New England Road, located to the south-west. The eastern most section of the viaduct, located in close proximity to London Road station, is located within the Preston Park Conservation Area.

## 3 RELEVANT HISTORY

**BH2008/02570:** Erection of 1 no. aluminium painted sign with self-adhesive vinyl print to face (Non-illuminated). Approved 27/10/2008.

**BH2003/02100:** Remedial work to London Road Viaduct involving repairs and installation of protective netting. Approved 11/09/2003.

**1991/1459/LB:** Viaduct, section spanning Beaconsfield Road, removal of existing sign and replacement by a smaller sign at a lower level. Approved 23/01/1992.

**1991/1191/LB:** Viaduct, section spanning Beaconsfield Road Erection of a non-illuminated advertisement board (Retrospective) Refused 27/01/1992.

**1991/0945/LB:** Viaduct, section spanning Beaconsfield Road, continuous use of advertisement on front of viaduct support. Refused 12/09/1991.

## 4 THE APPLICATION

Listed Building Consent is sought for the installation of feature illumination to the arches of the viaduct. The proposal has resulted from the recommendations set out in the Brighton & Hove Legibility Study (September 2007).

## 5 CONSULTATIONS

### External:

**Neighbours: 313 Kingsway Hove,** do not object to the application as it is nice to see some of our heritage architecture shown off in a contemporary way, without having to demolish it for a box.

**The Brighton Society,** strongly objects to the proposal to illuminate the arches of the London Road viaduct. The Council will have continuing cost of paying for the electricity to run this scheme at a time when there have been redundancies and cuts in the budgets of essential services. This proposal seems both frivolous and irresponsible at a time when we should be concerned about global warming, not to mention light pollution. The viaduct is a fine dramatic structure it does not need to be illuminated.

**CAG:** The group considered this proposal to be an inappropriate waste of resources which would not benefit pedestrians as the lighting starts at 4m. For

these reasons the group agreed not to support this application and requested that if the application was recommended for approval it be referred to the Planning Committee for a decision.

**English Heritage:** this application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

**Internal:**

**Conservation and Design:**

**(Original Comments 4/02/2009)** Further details are required including a brochure picture of the light fittings and confirmation of their colour.

Enhancement works to the Viaduct would be welcomed. A lighting scheme should be part of an integrated project which also secures the removal of any graffiti and inappropriate and/or unauthorised signs that have been fixed to the building.

However, there are concerns about the installation of light fittings and cabling and trunking to the viaduct, due to their visual clutter. The drawings indicate that the light fittings would have pigeon spikes on them, which would make them more visually intrusive. Pigeon spikes are unattractive features that collect feathers, cobwebs and dust which makes them even worse and these should be omitted.

A scheme that used light fittings mounted on the ground and embedded in the pavement with buried cabling, rather than mounting them on the buildings, would be more appropriate and minimise visual clutter on the structure.

**(Additional Comments 25/02/2009)** having met the architect, been shown pictures of the light fittings and the control boxes and discussed the proposal, am now happy with the light fittings being on the Viaduct structure and no longer consider it necessary that they be located on the ground. Need copies of these details. References to pigeon spikes will also be deleted.

The architect has agreed to relocate the control boxes so that they are tucked round the corners of the viaduct columns rather than against their inside faces so that they are less noticeable.

When revised drawings are submitted, please add a condition relating to the colour or coating of the control boxes and metal cable trunking.

**Environmental Health:** The application states that the lighting will not overspill outside the structure and therefore have no objections.

**Network Rail:** following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with signal sighting, alteration/mitigation will be



required to remove the conflict.

**Railway Heritage Trust:** is supportive of the proposal in principle. Would prefer that 'pyro' type conduit is used rather than galvanised conduit up to first fitting level.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:  
HE1 Listed Buildings

## **7 CONSIDERATIONS**

In the determination of the application the main issues for consideration are the impacts of the proposal upon the architectural and historic character and appearance of the Grade II\* structure.

### Listed building issues

The viaduct is constructed in red and brown brick with dressings of yellow brick and stone and repaired areas in blue brick. All of the piers of the viaduct are pierced by oblong round arch openings; however the piers immediately flanking Preston Road are broader than the rest and are faced on the south side with a pilaster-like projection with a recessed panel.

The LED luminaries, which will be located approximately 4m above ground level, will measure approximately 1.2m long and have a width of 60mm. These light fittings will be fixed into the mortar joints between the bricks of the viaduct using stainless steel fixings. The combined projection of the lightening unit with the fixing from the facades of the viaduct is 144mm.

Four types of illumination of the viaduct are proposed as set out below;

- Type 01 – white gateways, narrow beam
- Type 02 – white standard apertures, wide beam
- Type 03 – gateway Blue, narrow beam
- Type 04 – gateway Red, narrow beam

The main arch located over Beaconsfield Road will be illuminated by method type 04 set out above whilst the main arch over Preston Road will be illuminated by method type 03. Types 01 and 02 relate to the aperture structures located throughout the expanse of the viaduct.

The electrical supply for the proposed illumination will be located on the pillars adjacent to the arches of Beaconsfield Road and Preston Road.

Since submission of the application the positioning of the control boxes has been altered so that they are located tucked round the corners of the viaduct columns rather than against their inside faces so that the boxes are less noticeable and thus reducing the impact of the proposal upon the visual amenities of the viaduct. In addition reference to the provision of pigeon protection has been removed from the proposal again as a result of concerns

regarding visual impacts upon the Grade II\* structure.

Subject to the compliance with the attached condition it is considered that the propose control boxes and metal cable trunking will not have a detrimental impact upon this Listed structure.

#### Other issues

There have been third party objections and concerns relating to sustainability implications, cost, potential light pollution and light interference in relation to signal sighting. However, as the application is for Listed Building Consent, the impact of the proposal upon the architectural and historic character and appearance of the structure are the only issues for assessment. These other matters are not material considerations in the determination of the application.

#### Conclusion

Overall, subject to the compliance with the attached condition, it is considered that the proposed lighting system for the arches and apertures of the London Road viaduct will not be of detriment to the character or appearance upon the architectural and historic character and appearance of this Grade II\* structure. The proposal is in accordance with policy HE1 of the Brighton & Hove Local Plan, approval is therefore recommended.

### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the compliance with the attached condition, the proposed lighting system is considered not to be of detriment to the architectural and historic character and appearance of this Grade II\* structure.

### **9 EQUALITIES IMPLICATIONS**

Not applicable.

# BH2008/03918 London Road Viaduct



Date: 04/03/2009 03:58:15

Scale 1:2500



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



