

<u>No:</u>	BH2016/05493	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land At Station Street Blackman Street _ Cheapside Brighton		
<u>Proposal:</u>	Erection of 7 storey office building (B1) plus basement with associated car and cycle parking and landscaping. New vehicular access off Blackman Street.		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	06.10.2016
<u>Con Area:</u>	Within setting of North Laine	<u>Expiry Date:</u>	05.01.2017
<u>Listed Building Grade:</u>	Within setting of Brighton Station and St Bartholomews Church		
<u>Agent:</u>	Mr Paul Burgess MRTPI 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr A Monteith C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	01	A	15 November 2016
Block Plan	10	A	15 November 2016
Floor Plans Proposed	100	A	23 November 2016
Floor Plans Proposed	101	A	23 November 2016
Floor Plans Proposed	102		30 September 2016
Floor Plans Proposed	103		30 September 2016
Floor Plans Proposed	104		30 September 2016
Floor Plans Proposed	105		30 September 2016
Elevations Proposed	200		30 September 2016
Elevations Proposed	201	A	23 November 2016
Elevations Proposed	202	A	23 November 2016

Elevations Proposed	203		30 September 2016
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2 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.

3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- The phases of the Proposed Development including the forecasted completion date(s)
- A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- Details of hours of construction including all associated vehicular movements
- Details of the construction compound
- A plan showing construction traffic routes
- An audit of all waste generated during construction works
- The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

4 The premises shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B 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). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: To ensure the identified demand for office development in this locality is satisfactorily met, to comply with policies CP3 and DA4 of Brighton and Hove City Plan Part One.

- 5 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) An intrusive site investigation report as per the recommendation contained within the Preliminary Ground Contamination Risk Assessment Report, produced by Ashdown Site Investigation Ltd, dated August 2016.

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then:

(b) 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 a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton and Hove Local Plan.

- 6 The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (5)b that any remediation scheme required and approved under the provisions of condition (5)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;
- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton and Hove Local Plan.

- 7 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Reason: This matter is fundamental to secure a satisfactory means of surface water disposal to prevent pollution of controlled waters to comply with policy SU3 of the Brighton and Hove Local Plan.

- 8 No development above basement slab level shall take place until details and samples where necessary of all materials to be used in the construction of the external surfaces of the development, including the following details, have been submitted to and approved in writing by the Local Planning Authority:

- (i) Details of the decorative ventilation grilles to basement car park facing Blackman Street
- (ii) Details including a 1:20 scale elevation and section details of the frame/glazing reveals, the entrance doors and canopy, and the vertical brise soleil.
- (iii) Details of external doors and shutters.

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 QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

- 9 Notwithstanding the landscaping shown on the submitted plans, no development above ground floor slab level shall take place until details of a revised Landscaping Scheme within and immediately adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include the following:

- Paving within the site to match that immediately to the north,
- Re-paving of the existing tarmac footway to the east of the site along the western side of Blackman Street with paving slabs to match those to the north and west of the site;
- Reinstatement of footway in place of redundant vehicular access;
- Introduction of raised planters, benches and visitor cycle parking spaces immediately within/adjacent to the site;
- Submission of a Feasibility Study to establish whether the provision of at least 6 street trees on or in the immediate vicinity of the site is possible including within any widened pavement areas that may be secured as part of the S106 measures;

10. The development shall not be first occupied until the approved Landscaping Scheme has been implemented. All planting or seeding in the approved scheme of landscaping (including street trees if proven feasible) shall be carried out in the first planting and seeding seasons following the first 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and in the interests of highway safety and biodiversity to comply with policies QD15, QD18 and TR7 of the Brighton and Hove Local Plan and DA4, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD10 London Road Central Masterplan.

- 11 Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents and occupiers, in accordance with policies SU10, QD27 and TR7 of the Brighton and Hove Local Plan.
- 12 The new vehicular crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
- 13 Prior to the first occupation of the development hereby permitted the redundant vehicle crossover in Blackman Street shall have been converted back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
- 14 Notwithstanding the basement car parking layout as shown on the submitted plans, details of the car park design and layout including disabled parking provision, cycle and motorcycle parking, signing, lining, and details of electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme including staff shower provision and electric charging points shall be fully implemented and the car park made available for use prior to the first occupation of the development. The car park shall thereafter be retained for use solely for the parking of private motor vehicles, motorcycles and bicycles belonging to the occupants of and visitors to the development hereby approved.
Reason: In the interests of highway safety and to ensure the development provides for the needs of staff and visitors to the site and to encourage travel by means other than private motor vehicles and to seek measures which reduce fuel use and greenhouse gas emissions, to comply with policies TR7, TR14 and TR18 of the Brighton and Hove Local Plan and policy CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards
- 15 Notwithstanding the cycle parking facilities shown on the submitted plans, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority including the provision of visitor spaces outside the main entrance of the building. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: The cycle parking as shown does not meet the standards required in SPD14 and further provision should be explored 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 and Hove Local Plan and SPD14: Parking Standards.

- 16 Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.
Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
- 17 Within 3 months of first occupation of the development hereby permitted a Developers Award Certificate or equivalent alternative shall be submitted to the Local Planning Authority to demonstrate that the development meets 'Secured by Design' standards.
Reason: In the interests of crime prevention and visual amenity, to comply with Policy CP21 of the Brighton and Hove City Plan Part One.
- 18 Sound proofing measures within the building hereby approved including for the acoustic performance of façade elements shall be implemented in strict accordance with the approved details and recommendations contained within the 'Environmental Acoustic Report' submitted by Adnitt Acoustics dated 28th September 2016 which has a project title 'Station Street Brighton, BN1'.
Reason: To safeguard the amenities of the occupiers of the building and adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
- 19 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest 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 BS 4142: 2014. In addition, there shall be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
- 20 Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place above ground floor slab level until details of the aerothermal heat pump technology (VRF heating and cooling) with a 60sqm photovoltaic array or other alternative low or zero carbon (LZC) technologies, and rainwater harvesting tank, to be included within the development have been submitted for approval. The approved details implemented within the development and thereafter retained.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton and Hove City Plan Part One.

- 21 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be first occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development as built has achieved a minimum BREEAM rating of '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 CP8 of the Brighton and Hove City Plan Part One.
- 22 No development above basement slab level shall take place until evidence has been submitted to and approved by the Local Planning Authority to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:
- a) Energy centre size and location showing facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
 - b) A route onto and through site: space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
 - c) Metering: installed to record flow volumes and energy delivered on the primary circuit.
- Reason:** In the interests of sustainability, to comply with policies CP8 and DA4 of the Brighton and Hove City Plan Part One.
- 23 Prior to first occupation of the development hereby permitted details of 10 no. compensatory bird and bat boxes including their type, location, timescale for installation and details of maintenance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details prior to first occupation and retained thereafter.
Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.
- 24 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and is sustainable in accordance with with policies

QD18 of the Brighton and Hove Local Plan and policy CP10 and CP8 of the Brighton and Hove City Plan Part One.

- 25 No development above ground floor slab level of any part of the development hereby permitted shall take place until a Feasibility Study to demonstrate whether incorporation of a green wall within the development is possible has been submitted to and approved in writing by the Local Planning Authority. If proven to be feasible, details of the wall including plant species and a maintenance and irrigation programme shall be submitted to and approved in writing by the Local Planning Authority. The wall shall thereafter be constructed, maintained and irrigated in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and is sustainable in accordance with policy CP10 and CP8 of the Brighton and Hove City Plan Part One.
- 26 Details of any external lighting proposed shall be first submitted and approved in writing by the Local Planning Authority before installation. The details shall include location, appearance and level of illumination. The approved details shall be implemented within the development before it is first occupied.
Reason: In the interests of visual and general amenity to comply with policies QD25 and QD27 of the Brighton and Hove Local Plan.
- 27 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton and Hove Local Plan.
- 28 No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The site is potentially contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the Management of Land Contamination. This is available online as a pdf document on the Environment Agency website. This is available on

both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

- 3 The applicant is advised permission is required from the Highway Authority for an over sailing license for the proposed entrance canopy and the applicant is advised to contact the council for further information: permit.admin@brighton-hove.gov.uk and phone 01273 292183.
- 4 The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Details of how tenant businesses will be engaged in the Travel Plan process;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- 5 All existing water main infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 6 A formal application for connection to the public sewage system water supply is required in order to service this development. Please contact Southern Water,

Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 7 Scotland Gas Networks advise that there is a pressure gas main near the site. They advise there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
- 8 The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received at any time with regards to noise, dust, odour or smoke, this does not preclude the Council's Environmental Health department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
- 9 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
- 10 The applicant is advised that the proposed new vehicular crossing works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is vacant and is located to the east of Brighton Station. The site is bordered by roads on three sides, on the corner of Station Street, Blackman Street and Cheapside, opposite the south end of Fleet Street.
- 2.2 The character of the area is mixed commercial/residential and there are tall office buildings to the south and west, a residential block to the north (Sharpthorne Court) and low rise commercial buildings to the east. Theobald House residential tower block located over a public car park is located to the south-east of the site.

- 2.3 The site is not located within a conservation area however it is within the setting of the North Laine CA located at the southern end of Blackman Street, and the station to the west is within the West Hill CA. The site lies within the setting of a number of listed buildings, most notably the station which is grade II star listed, and grade I listed St Bartholomews Church further to the north east of the site.
- 2.4 The site has been vacant for a long period (at least 25 years) and is understood to have previously been in commercial/industrial use. It is undeveloped and currently being used as a temporary public car park. It was last used as a temporary show/sales suite when the New England Quarter (NEQ) was being built.
- 2.5 The site lies just outside the Brighton Station site development area as was defined in policy EM13 in the previous Brighton and Hove Local Plan. It was previously allocated for employment (B1 office) use under policy EM2 of the Local Plan. These policies have now been superseded by the Brighton and Hove City Plan Part One, and the site now lies within the DA4 New England Quarter and London Road Development Area.
- 2.6 The application seeks permission for provision of a new B1 use office block. The proposal is speculative as no end user(s) has been identified. The building would be 7 storeys high plus it would have a basement providing car parking for 17 cars including 2 disabled, 68 cycles and 3 motorcycles. The gross floor area is 7,523sqm and the net internal office space would be 5,445sqm. The basement parking area varies in height given the difference in land levels and is partly at street level next to Blackman Street. It incorporates decorative ventilation railings.
- 2.7 The design proposed is contemporary with yellow stock bricks, curtain walling with bronze anodising and powder coated aluminium windows. A significant degree of glazing is proposed. The entrance would have a double height glazed lobby with projecting canopy facing Fleet Street. External terraces are proposed at 6th floor level.

3. RELEVANT HISTORY

BH2007/02443 Erection of show complex associated with the New England Quarter Core Site (retrospective). Approved 21/8/07

78/3207 Erection of 2-storey building for light industrial use including one warehouse unit. Approved on 24/04/79

Pre-application

The scheme has been subject to detailed pre-application discussion with officers and was presented to councillors at the pre-application stage on 2/8/16.

4. REPRESENTATIONS

Ten (10) letters have been received from **20 Kingscote Way, 4 Frederick Gardens, Flat 18 Blackmore Court 2 Kingscote Way, 29 Horsted Court 6**

Fleet Street, Chatham Place(no number), Flat 6 Sharpthorne Court, 1 Sharpthorne Court, 36 Neville Road, 12 Kingscote Way, 15 Kingscote Way, objecting to the proposed development for the following reasons:

- No need for more offices, housing required, especially affordable
- No demand, the area and the city already has lots of vacant offices
- A mixed development should be considered
- Housing would create same amount of jobs as an office proposal
- No need for amount of car parking proposed, location is sustainable, should have more cycle parking.
- Area already congested, will cause more noise and pollution
- If disabled parking needed should be on-street.
- Residents will need parking permits as a result, therefore will need to convert existing pay and display
- Insufficient on-site car parking, how will people get to work? Local car parks already full
- Excessive height, out of keeping with lower residential blocks adjacent, will result in canyon effect
- Design is unimaginative, bleak, unpleasant and not in keeping
- Site is close to North Laine Conservation Area
- Loss of light/overshadowing
- Will bring no benefits to local community
- Construction will be lengthy and could be disruptive

5. CONSULTATIONS

5.1 External:

5.2 Environment Agency: No objection. Conditions should be imposed to ensure potential land contamination and surface water drainage is adequately dealt with to prevent pollution of groundwater.

5.3 Scotland Gas Networks: Comment Advise safe digging practice to prevent damage to pipes.

5.4 Southern Water: Comment. Initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.5 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Informatives are recommended and appropriate conditions to ensure satisfactory foul and surface water disposal.

- 5.6 **UK Power Networks:** No Objection
- 5.7 **Internal:**
- 5.8 **Arboriculture:** Comment. There does appear to be potential for trees on site from an above ground perspective. They will need to be very hardy and grow to a good size when you consider the scale of the building they are going to be next too. We would recommend and welcome the use of a DED resistant clone called Ulmus 'Columella' this should however, NOT be produced by grafting as these are prone to failure.
- 5.9 In view of the scale of development the developers have already given this consideration as trees are shown in the design statement. The computer drawn images appear to show a number of trees around the building which looks appropriate so it is expected that number can be achieved, subject to underground services.
- 5.10 **County Archaeology:** Comment. The site is not within an Archaeological Notification Area. The site was formerly developed in the 19th century and the housing is likely to have impacted any below ground archaeological remains that might have existed at the site. For these reasons it is unlikely that the development will have a significant archaeological impact.
- 5.11 **County Ecology:** Comment Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value. The site is predominantly buildings and hard standing and is of relatively low ecological value. The site is unlikely to support any other protected species and therefore no specific mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.
- 5.12 The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of green roofs and walls. To meet Biosphere objectives, a chalk grassland roof is recommended. Bug/bee boxes should also be provided on the roof. Given the location, the green wall should be in raised planters and shade tolerant plants should be chosen. Advice on appropriate species is provided in Annex 7 of SPD 11.
- 5.13 **Environmental Health:** Comment The application includes a land contamination report which suggests potential pollutant linkages have been identified in relation to the proposed development. The report recommended that an intrusive ground investigation should be undertaken to allow a quantitative assessment to be made of the risks posed to end users and controlled waters. However, prior to commencement of the ground investigation, the report recommends that the report is submitted to the relevant regulators for their comment and approval, on receipt of which proposals for ground investigation works should be developed and discussed with the regulators to ensure their agreement to the scope of intrusive works, sampling, testing and assessment to be undertaken.

- 5.14 The acoustic report submitted concludes recommendations for the acoustic performance of the various façade elements. If the façade is constructed with an acoustic performance which meets or exceeds these recommendations, then the predicted indoor ambient noise levels should comply with the requirements of the British Council for Offices and the BREEAM Technical Manual. The requirements for the internal acoustic environment have been established and typical constructions provided which should meet these requirements. The mechanical plant noise emission criteria has been established based upon measured noise survey results and the requirements of the Local Planning Authority.
- 5.15 There is no reason to disagree with the recommendations and conclusions of the submitted reports. The standards and methods used, detailed assessment and proposed measures are recognised techniques. If the proposal is granted, in order to ensure that the measures detailed in the application and associated reports are implemented and effective, it is recommended that appropriate conditions are applied relating to land contamination investigation and remediation, sound proofing of building and plant and noise requirements.
- 5.16 A condition requiring a Construction Environmental Management Plan is also required as there is a large amount of construction proposed, in close proximity to local residents and businesses.
- 5.17 **City Development & Regeneration: Support.** City Regeneration supports this application as the development will provide substantial sq meterage of Grade A office space that is in short supply in the city and is much needed, if the city is to compete with other locations, to encourage businesses to relocate to the city or for those growing businesses already in the city, to remain and expand, in order to sustain our economic wellbeing. The lack of quality B1 employment space in Brighton and Hove has been highlighted in the council's City Plan Part One. On-going research carried out by the Coast to Capital LEP and at a local level through the leading commercial property agents operating in the city, acknowledge the continued demand for quality office space in the city. The substantial loss of 'B' class employment space through Permitted Rights to convert to residential has resulted in office space with the potential for refurbishment, being taken out of the commercial market. However, refurbished premises are not always the desired option as businesses seek to operate their businesses from high spec, high tech facilities.
- 5.18 City Regeneration is encouraged by the indicated number of FTE opportunities which at 680 exceeds the minimum OffPAT (Employment Density) Guidance for the employment space, however it is recognised that high tech businesses often operate in a more densely populated work environment.
- 5.19 If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £54,450 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance.

5.20 An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase (mandatory). The developer through their main contractor or sub-contractors will be expected to provide opportunities for training to include, but not limited to, apprenticeships and work experience. Reference to industry guidance (CITB) regarding targets for training provision, based on value of the development, is recommended and should be included in the strategy.

5.21 **Heritage:** Support

Statement of Significance:

This is a vacant, cleared site on the valley slope around 100m to the east of the grade II* listed Brighton Station, with its vast curving train shed, but the large office blocks of Victory House, Napier House and Mocatta House lie in between. Further away to the north east of the site is the grade I listed St Bartholomew's Church, which is a city-wide landmark. At the foot of the slope is the Valley Gardens conservation area, which due to its topography and central open spaces affords long views up the valley slope. The North Laine conservation area is approximately 90m to the south of the site, with the six storey Britannia Place in between. The conservation area is a tight-knit urban grid of narrow streets on a mainly north-south orientation, comprising predominantly small-scale 19th century buildings in a wide mix of uses. In the late 19th century this site was occupied by similar small scale terraced housing, with some larger commercial premises on Station Street (probably related to the Station Goods Yard) but is now part of the modern New England Quarter. The site currently has a neutral impact on the setting of these designated heritage assets but a detrimental impact on its immediate townscape and public realm.

5.22 Relevant Design and Conservation Policies and Documents:

The NPPF and NPPG. Historic England GPA Note 3. City Plan Part One policies CP12, CP13 and CP15. Local Plan policies QD5, HE3 and HE6. SPGBH15 on Tall Buildings.

5.23 The Proposal and Potential Impacts:

This site lies with the Brighton Station / New England tall building area. The application has been subject to pre-application discussions and it is considered that the proposed height of the building as submitted is appropriate in both its immediate and wider context. It would relate well to the parapet and ridge heights of the adjacent Victory House and Napier House and so would respect the sloping topography. It would be below the height of Brighton Station train shed and, with the presence of the intervening office blocks, there would be little or no inter-visibility between them. The setting of Brighton Station would be preserved. There is also no inter-visibility between the site and St Bartholomew's Church (though future occupants of the upper floors would have views of the church). The Church was originally surrounded by small scale terraced housing and, although it remains a landmark, this setting has been long compromised by modern development and this proposal, at this scale and distance, would have no impact on its setting.

- 5.24 The development would be clearly visible from Trafalgar Street within the North Laine conservation area but would be seen in the context of existing large scale modern development. The top of the building would also be visible from Kemp Street in the conservation area but only in the context of the roofscape of existing modern blocks. From Valley Gardens conservation area the development would be clearly seen in views looking up Cheapside but the existing closure of this vista is the rather haphazard junction between the three modern blocks west of Station Street. Apart from that there would just be a glimpse of the roofline from Valley Gardens. In the case of both conservation areas it is considered that the development would preserve their settings.
- 5.25 In urban design terms, the north end elevation of the proposed building would provide a fitting closure to the key vista along Fleet Street and the building would fittingly turn this key corner when seen from Cheapside, whilst the main entrance would be highly legible. There would be an attractive balance of solid to void and the long flank elevations would achieve an appropriate balance of vertical and horizontal elements, particularly when seen in the oblique views along each street. The depth of the glazing reveals from the brick-clad framing will be very important. The CGIs show an appropriate depth but the detailing will need to be approved by condition and detailing and materials will be very important in achieving the kind of high quality building that the CGIs imply. The use of a pale yellowish brick is welcomed, and there is historic precedent for this at Brighton Station, but the choice of a particular brick will need to be carefully considered; some variation in tone and texture would be welcomed. It is regrettable that the ground floor elevations on Station Street and Blackman Street will lack activity and interest and the incorporation of public art, as suggested, would be vital to mitigate this.
- 5.26 The Design and Access Statement refers to the provision of high quality paving and landscaping to the public realm but this is only broadly indicated on the ground floor plan. A landscaping plan should be submitted, by condition if necessary. The public realm is generally limited around the site but there would be a large area of public footway outside the north entrance frontage and this warrants a simple, uncluttered design approach using good quality large-element paving. The 3 CGIs show some tree planting; this would be very welcome if footway widths and underground conditions allow.
- 5.27 Mitigations and Conditions:
Any approval should be subject to a condition requiring submission of 1:20 scale elevation and section details of the frame/glazing reveals, the entrance doors and canopy, and the vertical brisesoleil. It is assumed that details of the ventilation grilles to the car park will be dealt with as part of the public art contribution.
- 5.28 **Planning Policy:** Comment
The proposal for 5,445 sq m of office floorspace is considered acceptable in principle as it would significantly contribute towards the 20,000 sq. m of new office floorspace identified for the DA4 area in the City Plan Part 1 and thus accords with part of the strategic allocation which requires delivering a minimum of 2,000 sq. m of B1a floorspace for the site. It is considered that the proposal

would make an effective use of a central Brighton site which has been vacant for a number of years.

5.29 The applicant has not provided any residential element to the proposal. Whilst it is recognised there is an acute need for new residential development in the city, the low housing target overall for the strategic allocations in DA4.C.1 reflects that one of the main overarching aims of DA4 is the creation of a new business quarter for the City. The applicant has raised concerns that a mixed use scheme would be difficult to accommodate on the relatively small site without compromising the internal layout of both the residential and office elements which they believe would in turn reduce the marketability of the office element.

5.30 The provision of 5,445sq m of new office floorspace is welcome and should be afforded significant weight. There are considered to be strong planning benefits to an office only scheme on this site:

- There is a shortage of identified office sites to meet the forecast demand for office floorspace over the plan period;
- There has been a lower rate of delivery of new office floorspace than anticipated over the 2014-2019 plan period and;
- The current low levels of office vacancy, particular Grade A office floorspace.
- Further the proposal would help deliver the aspiration for the Development Area to create a major new business quarter for the City which in turn will support the aspiration for economic growth in the Greater Brighton City Region.

5.31 **Sustainable Transport:** Comment

The Highway Authority has concerns regarding the proposed level of car parking as it is contrary to SPD14.

5.32 Car Parking

SPD14 states that the maximum car parking standard for an office development within the central area of Brighton & Hove is disabled user car parking only and no general spaces.

5.33 The applicant has amended the plans and is now proposing a total of 17 car parking spaces (2 of which are disabled badge holder bays). This has been reduced from a previous total of 22. This level of car parking is still above the maximum standards in SPD14.

5.34 The Highway Authority has concerns that this is contrary to SPD14 and that there is a potential cumulative impact if other applications are submitted on this basis. In terms of additional justification for the proposed level of car parking the applicant has purely justified the need for parking on economic grounds and in terms of the potential to sell/let these office units to potential occupiers. The Highway Authority acknowledges that the proposed development provides wider benefits to the city and should the Planning Authority be minded to grant suitable mitigation as detailed below should be secured.

5.35 S106

- Construction Environmental Management Plan (CEMP)
- Travel Plan
- Need to enter into a Section 278 agreement with the Highway Authority to implement the following highway works, reinstatement of the redundant vehicle crossover on Blackman Street, resurface footway directly adjacent to the development on Blackman Street in 400 x 400 concrete paving slabs and the construction of a new vehicle access on Blackman Street.
- A contribution of £246,724 which shall go towards pedestrian, cycle connectivity improvements and public realm improvements between the development and the New England Quarter, London Road shopping centre and the North Laine.

5.36 Conditions

- Retention of car parking area
- Details of cycle parking
- Delivery & Servicing Management Plan
- Details of Motorcycle parking scheme
- Car park design, layout and lining/signing
- Details of electric vehicle charging points
- Details of hard and soft landscaping to the area of private land on the Fleet Street elevation
- Over sailing the highway informative

5.37 These are covered in more detail below.

Cycle Parking

SPD14 states that for a B1 office the minimum standard is 1 space plus 1 space per 100m² for staff and 1 space plus 1 space per 500m² for visitors. For a development of this scale (7523m²) the minimum cycle parking standard are:

- 77 spaces staff
- 16 spaces for visitors

5.38 The applicant is intending to provide a total of 68 cycle parking spaces. Previously the applicant was providing a total of 66 spaces (54 spaces for staff and 12 spaces for visitors). The visitor cycle parking to the front of the building has been removed and relocated within the car park. This provision (68 spaces) is below the minimum cycle parking standards and does not provide any easily accessible visitor cycle parking to the front of the building, therefore additional cycle parking will be required. However the Highway Authority are of the view that this can be secured via condition and therefore further details should be secured.

5.39 Servicing & Deliveries

The Highway Authority requested that some level of servicing is provided within the basement car park. The applicant has now set aside an area for deliveries.

5.40 Motorcycle Parking

The Highway Authority requested that some level of motorcycle parking is provided within the basement car park. The applicant has now set aside space for 3 motorcycles.

5.41 S106

The Highway Authority would look for the applicant to undertake works through a S278 agreement in the immediate vicinity of the site. These works are focussed on Blackman Street and are associated with the reinstatement of redundant vehicle crossovers and the creation of a new crossover. These works are necessitated by the development and therefore should not be deducted from the overall S106 contribution towards sustainable transport provision/public realm. The Highway Authority would seek a contribution towards public realm/pedestrian and cycle connectivity improvements in the local area in accordance with the Developer Contributions Technical Guidance.

5.42 **Sustainability** No objection subject to imposition of conditions requiring BREEAM 'excellent' and connection to future heat network.

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport

CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage
DA4 New England Quarter and London Road Area

Brighton & Hove Local Plan (retained policies March 2016):

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
TR18 Parking for people with a mobility related disability
SU9 Pollution and nuisance control
SU10 Noise Nuisance
SU11 Contaminated Land
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD10 London Road Central Masterplan
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPGBH15 Tall Buildings

Developer Contributions Technical Guidance June 2016

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to:

- Principle of developing the site for B1 office use
- Principle of developing the site for a sole, rather than mixed, use
- Impact on the character and appearance of the locality, including the setting of nearby conservation areas and listed buildings
- Impact on the amenity of occupiers of nearby properties
- Impact in terms of sustainable travel
- Sustainability and biodiversity, including BREEAM
- Local Employment Scheme and other Section 106 requirements

8.2 Planning Policy Context:

The National Planning Policy Framework (NPPF) is a material consideration. It provides high level planning policy guidance and states that the purpose of the planning system is to contribute towards sustainable development. The NPPF states there are three dimensions to sustainable development: economic, social and environmental.

- 8.3 The economic role is stated as contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure (para 7).
- 8.4 Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It states planning should operate to encourage and not act as an impediment to sustainable growth. It states that significant weight should therefore be placed on the need to support economic growth through the planning system.
- 8.5 The Brighton and Hove City Plan Part One adopted in March 2016 and is the key document against which development proposals are assessed. The site is located within an area of the city identified for significant growth under policy DA4 of the City Plan. The site was previously identified as an allocated employment site in the Brighton and Hove Local Plan. City Plan policy DA4 states the following overarching aim:
- 8.6 ***The strategy for this development area is to revitalise the London Road shopping area, create a major new business quarter for Brighton & Hove consisting of high quality business accommodation connecting London Road with the New England Quarter, and to maintain and enhance a green gateway to the city to the west of Preston Road.***
- 8.7 The first priority for DA4 is to:
- Plan a new business quarter for the city in the New England Quarter and London Road area to accommodate 20,000 sqm of additional new office floorspace post 2016.**
- 8.8 Part B of the policy states:
- Provision will be made by 2030 for the following minimum amounts of development through strategic allocations (below) and through allocations in the City Plan Part 2:*
- 1,130 residential units;*
20,000sq m B1a B1b floorspace; and
300 bed space student housing
- 8.9 Part C.1 of the policy refers to 5 strategic allocations, including the application site, and states the following:
- Provision is made for 20,000 sq m net additional B1a, B1 b floorspace and 165 residential units through the implementation of extant commitments for B1 floorspace and the mixed use development of the following sites:*
- a) Vantage Point, Elder Place (including Circus Parade) - no net loss of B1a floorspace;*

- b) Trade Warehousing (Longley Industrial Estate) 4-6 New England Street - 3,000 sqm;
- c) Richardson's Scrapyard and Brewers Paint Merchant Site, New England Street - 3,000 sqm;
- d) Cheapside (south between Blackman Street and Whitecross Street) - 2,000 sqm;
- e) Blackman Street Site (land adjacent to Britannia House) - 2,000 sqm.

8.10 *Proposals will be assessed against the citywide policies, the London Road Central SPD and the following specific criteria:*

- i) *Each site would be expected to deliver the minimum office/research and development (B1a, B1b) floorspace indicated above through a range of offices and flexible workspaces including larger floorplate office stock and affordable business floorspace suitable for small business and the creative, digital and information technology industries;*
- ii) *An appropriate mix of uses including residential (C3) and ground floor ancillary retail (A1) and restaurants and cafes (A3) will be permitted;*
- iii) *Development will be expected to be of a high quality of design and incorporate active uses at ground floor level, contribute to an improved public realm and improved connectivity to the wider development area for pedestrians and cyclists;*
- iv) *Development will be expected to contribute to green infrastructure improvements to increase green space connectivity and enhance biodiversity;*
- v) *The developer will enter into a training place agreement to secure training for local people.*

8.11 Some of these themes have been carried through from SPD10 London Road Central Masterplan , which has been prepared by the council to assist the delivery of development and guide developers on the form and content of development and the provision of infrastructure in the London Road Central area. This seeks, amongst other things, high quality design and enhanced public realm and active frontages. It suggests the creation of more active street frontages along the Pelham Street corridor and public realm improvements opportunities along Trafalgar Street and Blackman Street and opportunities to introduce green wall elements and improvements to biodiversity.

8.12 Supporting paragraph 3.44 to DA4 states:

A number of sites have been identified as offering particular redevelopment potential to bring forward the net additional office floorspace proposed in this area to meet the city's forecast need. Permitting a mix of uses to come forward on these sites alongside new office floorspace provision recognises the positive impact mixed use development will have on the regeneration of the wider area as well as ensuring a more vibrant streetscape. The council recognises the need to take into account the sensitivity of financial viability appraisals to changing market circumstances with regard to the mix of uses proposed....
However the priority for these sites is that an appropriate amount of new office floorspace is delivered. Therefore a minimum office floorspace requirement has been set out for each site....

- 8.13 The site is located within the setting of the North Laine Conservation Area and several listed buildings including the station. With regard to design and heritage policies CP12, CP13 and CP15 of the City Plan Part One, policies HE3, HE6, QD5 and QD15 of the Brighton & Hove Local Plan and SPGBH15 Tall Buildings are relevant.
- 8.14 City Plan policy CP12 expects all new development to be built to a high quality standard and seek to ensure places that are created are safe, and incorporate design features which deter crime and the fear of crime. CP13 seeks to improve the quality, legibility and accessibility of the city's public realm. CP15 states that the city's historic environment will be conserved and enhanced in accordance with its identified significance, giving the greatest weight to designated assets. Local Plan policies HE3 and HE6 seek to conserve or enhance the setting of Conservation Areas and Listed Buildings. Local Plan policy QD5 states that all new development should present an interesting and attractive frontage at street level for pedestrians. QD15 requires all proposals for development to have adequate consideration to landscape design.
- 8.15 SPGBH15: Tall Buildings identifies the area to the east of Brighton Station as a node suitable for taller development. A tall building is defined as 6+ storeys or 18+m high or one that is significantly taller than its surroundings. The SPG contains guidance as to what is expected with applications and in terms of quality of development. It states tall buildings need to be designed in such a way as to create safe, comfortable and attractive spaces around them, promote active public uses with transparent facades on the ground floors and provide the public realm with a strong sense of spatial definition and robust character. At a detailed level, individual proposals should seek to create well orientated and lively spaces that contribute positively, day and night, to the wider public realm.
- 8.16 The Council has statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to development affecting listed buildings and conservation areas:
- 8.17 S66 (1) "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses";
- 8.18 S72 (1) "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2) [N.B. these include the Town and Country Planning Act 1990], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 8.19 The NPPF states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation assets can

make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness (para 131).

- 8.20 Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.21 Local Plan policies QD27, SU9 and SU10 are relevant to this development and they seek to protect the general amenity of the locality and that of neighbouring occupiers/users from undue noise, odour and general disturbance. Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Local Plan policies SU3 and SU11 relate surface water drainage, sewage and land contamination and seeks to prevent pollution of controlled waters and safeguard the occupiers of development.
- 8.22 With regard to transport, City Plan policies CP9 (Sustainable Transport) and Local Plan Policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle access and parking), and TR18 (Parking for people with a mobility related disability) are relevant. These seek to ensure development is safe, meets the demand for travel it creates and maximises use of sustainable modes. SPD14 Parking Standards sets out maximum parking standards for development and minimum standards for disabled parking. In central areas such as this SPD14 states that the maximum car parking standard for an office development is disabled user car parking only and the minimum standard for cycle provision is 77 standard and 16 for visitors (total: 93).
- 8.23 With regard to sustainability, City Plan Policy CP8 is relevant. It requires all development to incorporate sustainable design features, and major commercial developments (of more than 1000sqm floor area) are required to achieve a minimum standard of BREEAM 'excellent'. City Plan Policy CP10 relating to biodiversity is relevant and this states all schemes should conserve existing biodiversity and provide net gains wherever possible. City Plan policy CP11 seeks to manage and reduce flood risk.
- 8.24 **Principle of developing the site for a B1 office use**
Redevelopment of this long-term vacant site in the city centre is welcomed and is supported in principle. It is a significant site in a very sustainable location and the proposal would make effective and efficient use of it. The site is in a mixed use location adjacent to other large office premises and therefore provision of B1 office use in principle is considered appropriate.
- 8.25 The proposal would introduce a significant amount of B1 office floorspace (total of 5,445 sqm net/7,523 sqm gross), which is 3,445 sqm above the minimum 2000 sqm net requirement in DA4 and is therefore particularly welcome in this location, given the key priority of DA4 is to secure a major new business quarter

and the provision of good quality grade A modern accommodation. It is particularly welcomed as the City Plan identifies that there is a shortfall of between 16,240 to 21,240 sq. m of office floorspace over the plan period. Further recent monitoring of the office supply trajectory for the period 2014-2019 (Brighton & Hove Employment Land Supply Trajectory: Final Report, NLP June 2013) indicates that only c.10,000 sq. m of the projected 29,559 sq. m office is due to be delivered by 2019. Levels of vacant office space are at their lowest for 10 years (South East Office Focus, 2016 Stiles Harold Williams) and failure to bring forward and unlock the job generating capacity of employment sites will hinder the city's aspirations for job growth.

- 8.26 The proposed development has been designed flexibly to accommodate either high or lower density layouts, and has the potential to accommodate employees at a ratio of 1 person to 8m² (equating to 680 jobs when OffPAT standards applied) for high tech companies that often operate in a more densely populated work environment, which is a significant number of jobs and is welcomed. Even if this density is not achieved, the City Regeneration Team confirm general office schemes should generate between 454 and 627 jobs, which is a significant number. The site has remained undeveloped for some years with development pressure for uses other than office and therefore this proposal is particularly welcome.
- 8.27 The site (along with 4 others) is earmarked for a mixed use development in policy DA4 with an element of housing. It is acknowledged that mixed use developments can have a positive impact on the regeneration of the wider area, however, the numbers earmarked for this site in City Plan background documents are relatively low (11/20 flats in the SHLAA/Capacity Study respectively), and given that the clear priority cited in DA4 is for new office accommodation, on balance, a single use is considered acceptable. This view is endorsed by the Planning Policy Team.
- 8.28 The inclusion of mixed uses in the policy was primarily to facilitate the viability of office-led schemes however this not required in this case and indeed the applicant has submitted supporting information to demonstrate how introduction of a residential element adversely affects viability (via a Marketing Statement by Fludes property agents). This outlines how the physical constraints of the site mean a successful mixed use is very challenging and would not make the most effective use of the site. Service areas such as for entrances, lifts, etc would need to be duplicated, residential units may have limited outlook and office floorspace would be compromised. A mixed use also limits potential funding options and therefore viability. Fludes state the site is within a predominantly business orientated location and is ideally suited to office development. They do not believe that a mixed use development would be received by the end occupier market as well as it would be for an exclusive single use. They confirm there is an acute need for grade A office space and that the scheme has the flexibility to provide much needed large floorplates or smaller floorplates if required.
- 8.29 To conclude, delivery of modern office floor space is particularly welcomed in this location and, in line with the NPPF, considerable weight is given to the

significant economic benefits of the proposal. In view of all of the above, there is no objection to the proposed single use. The proposal is welcomed by both the council's City Regeneration and Planning Policy Teams, who confirm that the benefits of the proposal should be afforded significant weight and that there are strong planning benefits to an office only scheme on this site.

- 8.30 Land east of Brighton Station is identified as a focus for tall buildings (over 18m/6+ storey) in SPGBH15 and the site is also identified as suitable for tall buildings in SPD10 in principle. The detailed design considerations are discussed in more detail in the section below.
- 8.31 **Design and Appearance:**
The proposed building utilises most of the footprint of the site, which is respectful of the existing urban grain and pattern of streets and spaces. The building is tall, being 7 storeys high plus basement, and is sympathetic to the character of the locality, which contains similar high density development and a range of building heights including 'tall' buildings. The site is very sustainable and the development makes very effective and efficient use of it, which is welcomed.
- 8.32 For the reasons set out in the comments from the Heritage team, the proposal is considered to respect the surrounding scale, hierarchy and massing of existing built form in both the immediate and wider context. The applicant carried out detailed pre-application discussions with officers including the Heritage Team, and the scheme has evolved positively, the main changes being the building is now a storey lower, it is further away from the property to the south, the building has more vertical emphasis and the scheme incorporates design changes such as decorative car park grilles to Blackman Street.
- 8.33 The applicant has submitted a Tall Buildings Assessment which includes testing the scheme in key strategic views. The Heritage Team confirm that this assessment demonstrates the scheme will be acceptable.
- 8.34 The design incorporates a set back at shoulder height that aligns with the buildings in Station Street and the proposal is considered to relate well to the parapet and ridge heights of the adjacent Victory House and Napier House and so would respect the sloping topography. It would be below the height of Brighton Station train shed and, with the presence of the intervening office blocks, there would be little or no inter-visibility between them.
- 8.35 The Heritage Team confirm that no harm would be caused to the setting of nearby conservation areas or listed buildings. The development would be clearly visible from Trafalgar Street within the North Laine conservation area but would be seen in the context of existing large scale modern development and is thus considered to have an acceptable impact. It would be viewed from other conservation areas but it would only be glimpsed or seen in context of roof scape of existing modern blocks. The setting of Brighton Station would be preserved. There is also no inter-visibility between the site and St Bartholomew's Church given the distance to it.

- 8.36 The fenestration has been carefully designed with different elements, with appropriate ratio of solid to glazing which provides interest and the building has an appropriate balance of vertical and horizontal emphasis which respects the character and appearance of the area. The proposed use of pale yellow brick is considered appropriate and would be sympathetic to other development in the area. The use of bronze and aluminium is considered appropriate. The double height entrance is welcomed as it helps provide some drama and a focal point at the end of vista along Fleet Street.
- 8.37 In line with relevant policy, an active frontage is provided to the west and north of the site. The frontage provided to the east along Blackman Street also incorporates office windows however these are set higher due to the basement car park. This is not ideal, however, the car park does make effective use of this sloping site and the windows are not so high as to restrict all sense of activity. The car park also incorporates decorative ventilation grilles which are considered necessary to provide interest and they introduce an artistic element to the scheme, in line with policy.
- 8.38 Tall buildings in particular should be designed to create high quality public spaces within the site and nearby, in accordance with SPG15. Policy DA4 and SPD10 also emphasise the need for public realm enhancement and introduce more greenery this area, as the area is a rather stark urban environment. A condition is recommended to ensure satisfactory landscaping and public realm improvements are delivered as part of the scheme, in compliance with policy. The feasibility for new street trees and a green wall will be explored by condition and planters. The Arboriculturist confirms it should be possible to incorporate trees, subject to underground services. Conditions can also secure matching paving along Blackman Street instead of the tarmac footway, which is considered a necessary visual improvement.
- 8.39 The Heritage Team are supportive of the scheme and the proposal is considered to represent a high quality design, in compliance with relevant policy.
- 8.40 **Impact on Amenity:**
- 8.41 Loss of light/outlook/overshadowing:
This is a key site located within an area identified for growth in a very sustainable location, and in order to make effective and efficient use of it and deliver much needed modern office accommodation, a high density scheme is needed. Full use of the site is also needed to fit in with the prevailing urban grain and street pattern. This will therefore have a degree of impact to adjacent properties, particularly when compared to the current situation which is a vacant undeveloped site.
- 8.42 The building will be taller than adjacent residential blocks (Sharpthorne Court, Blackmore Court and Kingscote Way) and is due south/south-west of these, which will result in some loss of light. The key consideration is how many properties are affected and whether there is an unacceptable loss of daylight and sunlight.

- 8.43 The application includes an independent Sunlight/Daylight Assessment which was undertaken in accordance with the Building Research Establishment (BRE) report 'Site Layout planning for daylight and sunlight: A guide to good practice'. The Assessment acknowledges that a cleared site presents an unusual baseline for an urban location and whilst the proposed scheme is assessed against this, it is also assessed against a massing envelope which is representative of a typical urban relationship (a mirror image of the same height and size), as indicated is good practice.
- 8.44 The report demonstrates that the majority - 38 (53%) of the total 72 rooms [comprising 17 lounge/kitchen/diner (LKD) and 38 bedroom rooms] - of the facing residential windows in Sharpthorne Court (which are the closest properties to the site) meet the Vertical Sky Component (VSC) recommendations for daylight when tested against the cleared site. The remaining windows will experience an effect to their daylight amenity of between 20-40%. It is noted that 21 of these remaining 34 windows serve bedrooms which the BRE advises have a lower expectation of daylight than main living rooms. This leaves 13 LKD's affected however, these are dual aspect and therefore the No Sky Line (NSL) test is appropriate. When this is applied, 61% of the rooms, including 15 of the 17 LKD's, fall within the BRE recommended level when assessed against the cleared site.
- 8.45 When the massing envelope baseline is applied, the report states that the rate of VSC compliance increases to 66% and the rate of NSL compliance to 80% and all (100%) of LKD's would meet the BRE recommended level for daylight.
- 8.46 With regard to sunlight, when tested against the cleared-site, the results demonstrate that 25 out of 34 windows (74%) serving LKDs and that 27 out of 38 bedroom windows (71%) meet the BRE sunlight recommended levels. When tested against the massing envelope, the results demonstrate that 28 out of 34 windows (82%) serving LKDs meet the BRE sunlight recommended levels. The results demonstrate that 28 out of 38 bedroom windows (74%) meet the BRE recommended levels.
- 8.47 The report demonstrates that 100% of the windows in Blackmore Court-2 Kingscote Way would comfortably meet the BRE Guidelines for both daylight and sunlight.
- 8.48 When both Sharpthorne and Blackmore Courts are taken together, assessed against a mirrored massing envelope, 72% meet BRE recommended levels for VSC, 82% for NSL and 81% for sunlight (Annuals Probable Sunlight Hours).
- 8.49 There is no reason to question the methodology in the submitted report, which appears accurate and uses recognised BRE guidelines. It is considered reasonable to look at the results assessed against a massing envelope as a fair scenario in a dense urban area where a cleared site is unusual. When the impact of the scheme in terms of both daylight and sunlight is assessed with the massing envelope it is demonstrated the majority of all neighbouring rooms, and nearly all LKD's in particular, meet BRE guidelines. It is reasonable for bedrooms to be deemed less sensitive. All of the LKD's meet recommended

levels of daylight, which is welcomed, and whilst some of the LKDs are already overshadowed by balconies above and thus do not all meet recommended levels for sunlight with the scheme, they are dual aspect, which lessens the adverse impact in this regard. On this basis, the impacts of the scheme are considered acceptable, in compliance with policy QD27.

8.50 The applicant's report does not consider the impact to adjacent commercial properties, and whilst such uses are less sensitive than residential and tend to use artificial lighting, offices would reasonably expect to enjoy a certain degree of outlook. The office building immediately to the south has minimal windows directly next to the site but does have a substantial number at higher levels however these are set back, lessening the impact. The offices to the west and commercial properties to the east have windows facing the site however the relationship is not untypical for a city centre site for buildings across a roads width. On this basis, it is considered the relationship with adjacent commercial properties in terms of amenity is acceptable. It should be noted no objections have been received from these premises.

8.51 Noise and disturbance:

The application includes an Environmental Acoustic Report which assesses the potential noise that may result within and from the scheme, including from mechanical and electrical plant. The report uses the standards in the British Council for Offices and the BREEAM Technical Manual 2104. The report confirms that the existing dominant noise sources in the area are road and rail traffic noise, and recommends a certain level of acoustic performance for various façade elements to ensure the indoor ambient noise level is comfortable. Whilst the exact details of the mechanical plant are not known at this stage the report states it could be designed to meet the Council's required levels at the nearest noise sensitive receptor. The council's Environmental Health team confirm the conclusions of the report are reasonable and conditions can be imposed to ensure the predicted noise levels are achieved within the development, to comply with relevant protective planning policies.

8.52 As a major development in a central urban location it is considered necessary to ensure compliance with a Construction Environmental Management Plan (CEMP). This can be adequately secured by condition to ensure noise, disruption and general environmental impact during construction is controlled in a satisfactory manner.

8.53 **Sustainable Transport:**

The development aims to meet travel demand through on-site car and motorcycle parking and a via promotion of sustainable modes through provision of cycle parking, on site showers and electrical charging points, as well as via a Travel Plan and S106 financial contribution towards pedestrian cycling improvements in the area.

8.54 The promotion of sustainable modes is welcome and complies with the main thrust of national and local transport policy.

- 8.55 The site is centrally located in a very sustainable location close to the station, bus and cycle routes therefore it is not considered that on site car parking (other than for the disabled) is essential to help meet the travel demand created. SPD14 is a material consideration and this states that no general car parking should be provided in defined central areas, only disabled. The applicant amended the scheme since first submitted to reflect concerns expressed by the Highways Team regarding car parking levels, and is now proposing a total of 17 car parking spaces (2 of which are disabled badge holder bays). This has been reduced from a previous total of 22.
- 8.56 This level of car parking is still above the maximum standards in SPD14 and the Highways Team's concerns in this regard are noted and shared to an extent. SPD14 does however state that assessment of each application will be on a case by case basis taking into account the parking standards for guidance purposes. It goes on to state that the provision of adequate parking facilities and their design should be appropriate to the scale, nature, location and users of the proposed development and applicants must demonstrate that the proposed level of car parking is appropriate.
- 8.57 On balance, general car parking is considered acceptable in principle in this case. The 17 spaces proposed would serve a minimum of 454 staff (and potentially many more) and is therefore considered to be modest provision and not disproportionate. It should be noted that the applicant has submitted a letter from Fludes property agents which indicates the parking level proposed is the absolute minimum that would be expected to serve modern Grade A offices and the spaces are needed for to attract the best occupiers and widen the market appeal. In addition to on-site parking, the proposed scheme also promotes sustainable modes to a significant extent. On this basis it is considered reasonable to allow a limited amount of car parking space. Significant weight is given to the benefits of the development to the city and it is considered that a refusal of permission on grounds of provision of car parking cannot be justified.
- 8.58 The level of cycle parking proposed (68 spaces) is below that required by SPD14 (93), which is not ideal. It is considered, however, that conditions can adequately ensure this figure is increased to closer to the SPD requirement. Provision of visitor cycle spaces to the front of the building can be secured by condition.
- 8.59 In terms of highway safety, conditions/S106 can ensure this is adequately addressed, including the reinstatement of the existing vehicular access to pavement and the provision of a new access. Servicing can be adequately provided for within the basement car park. Traffic movements during construction can be adequately controlled by condition via a Construction Environmental Management Plan.
- 8.60 **Sustainability, Biodiversity and other environmental matters:**
The application contains an Energy and BREEAM Assessment which includes a BREEAM Pre-Assessment which shows that the development is on track to meet a BREEAM standard of 'excellent'. This is welcomed and complies with policy CP8.

- 8.61 The use of low and zero carbon technologies have been explored and the scheme would make savings in energy and carbon against Part L of Building Regulations and includes use of aerothermal heat pump technology and 60sqm of photovoltaics. The applicant also commits to provision of a rainwater harvesting tank and a green living roof, which are welcomed. In addition, connections and plant space will be left to accommodate potential future connection to a wider district heat network, which accords with the aspirations of policy DA4. These measures within a standard of BREEAM 'excellent' can be conditioned to ensure delivery in accordance with policy CP8. The council's Sustainability Officer raises no objections to the proposal.
- 8.62 Policy DA4 makes specifically expects developments to contribute to green infrastructure improvements, increase green space connectivity and enhance biodiversity. SPD10 seeks opportunities to introduce green wall elements and improvements to biodiversity. A Biodiversity Checklist has been submitted which indicates that the site has no biodiversity value presently, and this is confirmed by the County Ecologist.
- 8.63 The development does however provide the opportunity to include measures to enhance biodiversity and this can be secured by condition to comply with relevant policy. Conditions can secure details of the green roof, details of bat and bird nesting boxes, and details of a landscaping scheme which includes planters and street tree planting feasibility to enhance the green network. Improvements to the public realm secured by S106 (such as widening of pavements) could potentially accommodate street trees. In addition a condition is recommended to ensure the developer explores the feasibility of providing a green wall in the scheme, possibly on the Station Street elevation.
- 8.64 The application contains a Drainage Works report which details how the proposed surface water strategy will mitigate the effects of the development and minimise the future surface water load on the drainage network, which is welcomed in accordance with relevant policies. A Flood Risk Assessment has also been submitted which states there is a low risk of potential flooding of the site. There is a potential for groundwater flooding due to construction of the basement but this can be adequately addressed through detailed design. As the site is almost entirely covered by the building footprint the management of roof drainage is a key aspect of surface water management, and rainwater harvesting and a green roof will form part of that strategy. This welcomed from a sustainable point of view and will contribute towards the BREEAM target of 'excellent'.
- 8.65 A preliminary Ground Contamination Risk Assessment Report has been submitted to establish the expected ground conditions, ascertain the development history and current use of the site and develop a preliminary conceptual model of the site identifying potentially significant pollutant linkages relating to end users of the site, to controlled waters or off-site sensitive receptors. The report identifies there are potential pollutant linkages and therefore recommends that an intrusive ground investigation should be

undertaken to allow a quantitative assessment to be made of the risks posed to end users and controlled waters.

8.66 Both Southern Water and the Environment Agency raise no objection to the proposal provided appropriate conditions are imposed requiring further detail prior to commencement of development. This approach is agreed by the council's Environmental Health Team. Compliance with appropriate conditions will ensure the development meets relevant planning policy requirements.

8.67 Satisfactory space is provided for refuse and recycling storage.

8.68 **Other Considerations:**

8.69 An Employment and Training Strategy which commits to using at least 20% local employment during the construction phase would be secured by S106, as well as a financial contribution of £54,450 towards the council's Local Employment Scheme. This is welcomed by the council's City Development and Regeneration Team and complies with policy and the Developer Contributions Technical Guidance.

8.70 An Environmental Impact Assessment is not considered necessary given that the development is below the advised thresholds and the development would not have significant environmental effects.

9. EQUALITIES

9.1 The scheme will meet Part M of Building Regulations. All common areas will be fully accessible. A wheelchair accessible W.C./shower is provided at ground floor level. Disabled parking spaces are proposed. There is lift access and it would be accessible for wheelchair users. The external terraces have level thresholds.

10. SECTION 106 HEADS OF TERMS:

- Submission of an Employment and Training Strategy which commits to
- using at least 20% local employment during the construction phase
- A financial contribution of £54,450 towards the council's Local Employment Scheme
- A financial contribution of £246,724 which shall go towards pedestrian and cycle connectivity improvements and public realm improvements between the development and the New England Quarter, London Road shopping centre, the North Laine and Brighton Station.
- Secure a Section 278 Agreement to reinstate the redundant vehicle crossover on Blackman Street, resurface the footway directly adjacent to the development on Blackman Street in 400 x 400 concrete paving slabs and construct a new vehicle access on Blackman Street. A S278 would also be required if tree planting on the public highway associated with required landscaping proves to be feasible.

