

<u>No:</u>	BH2016/02499	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	ANSTON HOUSE, 137 - 147 Preston Road, Brighton, Brighton & Hove, BN1 6AF (Anston House (137-139) and Land Adjoining, Preston Road Brighton)		
<u>Proposal:</u>	Demolition of existing building and erection of a new building of varying heights up to 13 and 15 storeys to provide 229 residential units (C3), flexible commercial/café space (B1/A3) use at ground level, car parking at ground and basement level, cycle parking, storage lockers, two new vehicular accesses, landscaping and amenity areas, refuse stores and associated plant.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	11.07.2016
<u>Con Area:</u>		<u>Expiry Date:</u>	10.10.2016
		<u>EoT/PPA Date</u>	31.01.2017
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Iceni Projects Flitcroft House	114-116 Charing Cross Road	London WC2H 0JR
<u>Applicant:</u>	One Preston Park LLP C/O Mr Lyndon Gill	Iceni Projects Flitcroft House	114-116 Charing Cross Road London WC2H 0JR

1. RECOMMENDATION

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:

- 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	PL-001	P1	30 June 2016
Block Plan Proposed	PL-029	P1	30 June 2016
Floor Plans Proposed	PL-002	P2	10 October 2016
Floor Plans Proposed	PL-003	P2	10 October 2016
Floor Plans Proposed	PL-004	P2	10 October 2016
Floor Plans Proposed	PL-005	P2	10 October 2016
Floor Plans Proposed	PL-006	P2	10 October 2016
Floor Plans Proposed	PL-007	P2	10 October 2016
Floor Plans Proposed	PL-008	P2	10 October 2016
Floor Plans Proposed	PL-009	P1	10 October 2016

Floor Plans Proposed	PL-010	P1	30 June 2016
Floor Plans Proposed	PL-011	P1	30 June 2016
Floor Plans Proposed	PL-012	P1	30 June 2016
Floor Plans Proposed	PL-013	P1	30 June 2016
Floor Plans Proposed	PL-014	P1	30 June 2016
Floor Plans Proposed	PL-015	P1	30 June 2016
Floor Plans Proposed	PL-016	P1	30 June 2016
Floor Plans Proposed	PL-017	P1	30 June 2016
Roof Plan Proposed	PL-018	P1	30 June 2016
Elevations Proposed	PL-019	P2	10 October 2016
Elevations Proposed	PL-020	P2	10 October 2016
Elevations Proposed	PL-021	P2	10 October 2016
Elevations Proposed	PL-022	P2	10 October 2016
Sections Proposed	PL-023	P2	10 October 2016
Sections Proposed	PL-024	P2	10 October 2016
Sections Proposed	PL-025	P2	10 October 2016
Sections Proposed	PL-026	P2	10 October 2016
Sections Proposed	PL-027	P2	10 October 2016
Sections Proposed	PL-028	P2	10 October 2016
Block Plan Proposed	PL-029	P1	30 June 2016
Elevations and sections proposed	PL-030	P1	30 June 2016
Detail	PL-031	P1	30 June 2016
Detail	PL-032	P1	30 June 2016
Detail	PL-033	P2	10 October 2016
Detail	PL-034	P2	10 October 2016
Detail	PL-042	P1	30 June 2016
Detail	PL-043	P1	30 June 2016
Landscaping Proposed	0087.P.100	D	30 June 2016
Landscaping Proposed	0087.P.101	E	30 June 2016
Landscaping Proposed	0087.P.102	E	10 October 2016
Landscaping Proposed	0087.P.103	B	30 June 2016
Tree Survey	0087.P.301	D	30 June 2016
Tree Survey	0087.P.302	C	30 June 2016
Elevations and sections proposed	0087.P.501	B	30 June 2016

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 above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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 HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 Before any equipment, materials or machinery are brought onto the site for the purposes of demolition or development, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural report prepared by Challice Construction Ltd. CC/1576AR2956 dated April 2116. The tree protection shall be positioned as shown on the Tree Protection Plan by Challice Construction Ltd. TPP.CC/1576AR2956 dated 11.04.2116. before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: In order to ensure adequate protection of existing trees to be retained and of proposed new trees during and post-construction, in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 5 Notwithstanding details already submitted within the Arboricultural Impact Appraisal, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site.

Reason: In order to ensure the adequate protection of existing trees to be retained and proposed new trees, in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 6 No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a) Induction and personnel awareness of arboricultural matters
- b) Identification of individual responsibilities and key personnel

- c) Timing and methods of site visiting and record keeping, including updates
- d) Procedures for dealing with variations and incidents.
- e) The scheme of supervision shall be carried out as agreed.
- f) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: In order to ensure the adequate protection of existing trees to be retained and proposed new trees, in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

8. Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable using sustainable drainage methods as per the recommendations to developers set out in the Council's Strategic Flood Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable. The 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: To prevent the overflow of foul and surface water drains in the vicinity of the site, and to comply with policy SU3 of the Brighton & Hove Local Plan.

9. 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 roofs have 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 roofs 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 in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

- 10 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Details of all hard and soft surfacing, including durability and maintenance;
 - b) Details of benches and raised planters, including durability and maintenance;
 - c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' 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;
 - d) Details of all boundary treatments, including durability and maintenance;
 - e) Details of all external plant, machinery, extract flues and vents and their location;
 - f) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided.
- 11 If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 12 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The scheme should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 13 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. The approved scheme 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: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
- 14 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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: 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 and SPD14 Parking Standards.
- 15 Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes full details of all servicing movements including waste management associated with the whole of the site and 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, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
- 16 Prior to first occupation of the development hereby permitted, details of secure motorcycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. 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: To ensure that satisfactory facilities for the parking of motorcycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
- 17 Prior to first occupation of the development hereby permitted, full details of appropriate signage on and prior to the basement car park ramp advising road users that cyclists could also be using the ramp shall have been submitted to and approved in writing by the Local Planning Authority. The approved signage 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: To ensure safe access for all road users and to comply with policies TR7 and TR14 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 18 Prior to first occupation of the development hereby permitted, full details of appropriate sympathetic off-highway signage and lining that clearly delineates the one way nature of the pick-up drop off servicing area shall have been submitted to and approved in writing by the Local Planning Authority. The approved signage and lining 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: To ensure safe access for all road users and to comply with policy TR7 and TR14 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 19 Prior to first occupation of the development hereby permitted, a car parking layout should be provided which provides full details of appropriate car park signage and lining to include details of centre line white line markings, give way lining and signing and details of reflective warning material on all pillars located in aisle widths shall have been submitted to and approved in writing by the Local Planning Authority. The approved details 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: To ensure safe and efficient access for all road users and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 20 Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved shall 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 encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

- 21 Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPG4 guidance.

- 22 Prior to the first occupation of the development hereby permitted the redundant vehicle crossover at the southeast corner of the site 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 & Hove City Plan Part One.

- 23 No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the signage over the main entrance have been submitted and approved in writing by the Local Planning Authority. Details shall include the large-scale drawings (at least scale 1:20), materials including durability, maintenance, and illumination (if any).

Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

- 24 Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction 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 policies DA4 and CP8 of the Brighton & Hove City Plan Part One.

- 25 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

- 26 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

- 27 Any boilers within the development should be ultra-low NOx gas boilers, details of which are to be submitted to and approved in writing by the Local Planning Authority prior to installation, unless an alternative is agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of the development on the adjacent AQMA (Air Quality Management Area) and to comply with policy SU9 of the Brighton & Hove Local Plan.

- 28 Evidence should be submitted 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 with 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 on site 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: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA4 and CP8 of the Brighton & Hove City Plan Part One.

- 29 Prior to the commencement of the development above slab level, evidence should be submitted to demonstrate that the building has been designed to be solar ready and that wherever possible; roof areas include containment and solar orientation for the later inclusion of solar photovoltaic technology. These roof areas should be sited away from existing trees or other building elements to prevent shading which may otherwise compromise the performance of the future PV, and ducting, cabling or connection through the roof should be built in to simplify commissioning and connection of a solar PV array.

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policies DA4 and CP8 of the Brighton & Hove City Plan Part One.

- 30 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 31 Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the compensatory bird / bat boxes shall have been 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.

Reason: To safeguard these protected species from the impact of the development and 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 & Hove City Plan Part One.

- 32 The ground floor of the premises shall be used as an office (Use Class B1(a)) and ancillary café (Use Class A3) with ancillary event/conference use associated with the office use only and for no other purpose (including any other

purpose in Classes A and 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 proposed commercial uses are provided and in order to comply with policy DA4 of the Brighton & Hove City Plan Part One.

- 33 The café use hereby approved shall remain ancillary to the office use hereby approved and the café use shall be restricted to a maximum dedicated floorspace of 210sqm (excluding WCs and storage rooms), as set out on the plans hereby approved.

Reason: In order to prevent the loss of office floorspace within the building in accordance with policy DA4 of the Brighton & Hove City Plan Part One, and in order to protect the amenities of nearby residents, in accordance with Local Plan policy QD27.

- 34 No alcohol shall be sold or supplied within the commercial development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.

Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

- 35 No outdoor seating related to the A3 café use shall be in use except between the hours of 08.00 and 22.00 Monday to Saturday, and 09.00 and 21.00 Sundays, Bank or Public Holidays.

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

- 36 No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

- 37 Measures shall be implemented in strict accordance with the approved details and recommendations contained within the document produced by 'AAD - Applied Acoustic Design' dated 13th June 2016 which is entitled '137 - 147 Preston Road Site Noise Assessment'.

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

- 38 Post completion, but prior to any occupation of the newly created residential units, an additional noise survey will be carried out in order to demonstrate the achievement of internal sound levels as described in the document produced by AAD - Applied Acoustic Design' dated 13th June 2016, entitled '137 - 147 Preston Road Site Noise Assessment'. The testing also needs to demonstrate that where commercial premises adjoins residential (ground floor/first floor) internal noise transfer is suitably controlled and achieves a sound insulation level of 5 dB better than the requirements of Approved Document E of the Building Regulations. The results shall be communicated to the local planning authority in writing and if a standard is not met, a report shall demonstrate what additional measures are needed, when these will be implemented, and a further test carried out to demonstrate compliance.
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.
- 39 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 4142:1997. 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 & Hove Local Plan.
- 40 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 HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
- 41 A minimum 5% of the residential units (12 units) shall be wheelchair accessible and of these, 3 shall be provided for the affordable rented units. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
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.
- 42 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 & Hove Local Plan.

- 43 No plant, machinery, or any other structures relating to the development shall exceed the height of the roof parapets of any of the three towers.

Reason: In order to preserve the clean lines of the built form to accord with policy CP12 of the Brighton & Hove City Plan Part One.

- 44 No development of any part of the development above ground floor slab level shall commence until details of any flues or chimneys with emissions to air, including their position, have been submitted to and approved in writing by the Local Planning Authority and installed prior to occupation. They should be situated as high as possible, subject to design and amenity considerations.

Reason: In order to provide best case dispersion to mitigate the impact of the development on the adjacent AQMA (Air Quality Management Area) and to comply with policy SU9 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
5. The Highway Authority would look for the number of fully accessible disabled bays designed in full accordance with the Department for Transport Traffic Advisory Leaflet 5/95, Parking for Disabled People, which requires a 1.2m clear zone either side of a bay, to be maximised.

- 6 The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org)
- 7 The water efficiency standard required under condition 25 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- 8 The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
- 9 The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
- 10 The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to the existing Anston House building and vacant site adjacent to Anston House, 137-147 Preston Road. The plot is rectangular in shape and measures approximately 91m x 65m. The existing building Anston House is 9 storeys in height to the road frontage and steps down to 7 storeys to the rear. The property has been vacant for approximately 30 years and is currently in a poor state of repair. The site is owned by One Preston Park LLP, a joint venture between First Base Ltd and Hyde Housing Group.
- 2.2 The surrounding area comprises a mix of uses. The site is bounded by Preston Road to the North East with Preston Park beyond. To the south east of the site is Telecom house, a purpose built office block which stands at 10 storeys in height, beyond which is a traditional row of terraced residential properties. To the North West are predominantly office buildings set within generous plots

varying between 6 - 10 storeys in height. To the South West are 3-4 storey residential terraced properties which front onto Dyke Road Drive. These properties are generally set at a higher level than the site by more than 5m, with the gardens sloping down to the boundary with the application site. Beyond these terraced properties is the main railway line leading into Brighton Station.

- 2.3 Preston Park is opposite the site (Listed Grade II in the National Register of Historic Parks and Gardens) and the Preston Village Conservation Area is to the East of the site.
- 2.4 The proposed scheme has evolved over the past year through pre-application consultation with planning officers and has been scrutinised by the South East Design Review Panel three times. The design has been revised significantly from the previous application for the site designed by Urban Splash (details below - application BH2012/02205). Essentially, this scheme reduces the amount of development at the rear of the site and relocates it towards the site frontage set across three towers. The architects for this scheme, Conran & Partners, worked up the design based upon a master-planning study carried out by Fletcher Priest. This identified the key design parameters for the site, based upon the characteristics of the surrounding development and the site itself.
- 2.5 This application proposes to demolish Anston House and redevelop the site to provide a mixed use development comprising commercial space on the ground floor and residential flats above, set across three towers of 13, 14 and 15 storeys, and within two 6 storey (read as 5 storeys at the back of the site) rearward projections and a 4 storey podium connecting the north and central towers. There would be two levels of parking at ground and basement level, accessed from a new two-way access at the northern end of the frontage. There would also be a one-way access for drop-offs and deliveries at the front of the site which would connect to the main access via which all vehicles would exit the site.
- 2.6 The development would be set back a distance of 9 to 12 metres from the back edge of the pavement, which would follow the building line of the adjacent Telecom House to the South, and would be set forward approximately 9m from the office block to the North, no. 149 Preston Road. The North tower, above the fourth floor, would be set back so that it would be approximately 2m forward of no. 149. The central tower would be set on an angle to Preston Road.
- 2.7 The commercial floorspace would cover 1,663 sqm (gross internal, including bin stores). Of this, 250 sqm would be dedicated to the A3 café use (which could also be used for exhibition/ conference space) and 1413 sqm would be dedicated to B1(a) office use. The employment floorspace would be arranged as mix of open plan and semi-private business spaces focused on start-up and small/ medium sized businesses (SMEs). This style of office is intended to facilitate collaboration and co-working and the office and café is proposed to be managed by Central Working, a company that provides similar establishments elsewhere in the country. The inclusion of a café is considered an integral part of the design of the co-working office concept as it will add to the attractiveness of the office space to office users, be open to residents/ members of the public

and so provide an active frontage for the mixed use building. . This will be grade 'A' space designed and built to meet Bream 'Excellent' standards in accordance with policy CP8 Sustainable Buildings.

2.8 The development would provide 229 residential flats, as follows:

- 5 no. studio flats
- 96 no.1 bed flats
- 117 no. 2 bed flats
- 11 no. 3 bed flats

2.9 Each flat would have a private balcony or terrace and all the flats meet the national minimum space standards. There would be 3 lift and stair cores, one for each tower. To the rear of the development there would be communal gardens for the residents, including informal play areas and seating areas. To the front of the development raised planters, seating areas and cycle spaces are proposed.

2.10 The development would provide car parking for 111 cars including 18 disabled spaces. In addition, 5 motorcycle spaces and 432 cycle spaces are proposed.

2.11 The development was screened for the need for an Environmental Impact Assessment (EIA) and the Local Planning Authority (LPA) provided a formal response on 13th January 2016, confirming that an EIA would not be required for the development hereby proposed.

2.12 This application has been informed by extensive pre-application consultation with Council Officers and external consultees including the Police and the County Ecologist, with Local Councillors, through widespread public consultation, through consultation with local groups and forums including the Regency Society, the Brighton Society, the Friends of Preston Park and the Conservation Advisory Group, and national organisations including Historic England. In addition, the design has been developed in response to advice from the South East Design Review Panel, who were consulted on three occasions before submission of the application.

3. RELEVANT HISTORY

BH2014/00596: External alterations including new aluminium windows, enlarged window openings, creation of balconies and cladding to all elevations following prior approval application **BH2013/02779**. Approved 10/06/2014. (Not implemented - deadline for commencement 10/06/2017)

BH2013/04228: Certificate of lawfulness for proposed change of use from offices (B1) to residential (C3) to form 44no residential units. Approved 12/03/2014. (Not implemented - deadline for commencement 30/05/2016, therefore now expired)

BH2013/02779: Prior approval for change of use from offices (B1) to residential (C3) to form 44no residential units. Prior approval not required 17/09/2013. (Not implemented - deadline for completion 16/09/2016, therefore now expired).

BH2013/02765: Certificate of lawfulness for existing use of entire building as offices (B1). Withdrawn 11/12/2013.

BH2012/02205: Demolition of existing building and erection of a new building ranging from 7no to 15no storeys providing 231 residential units, circa 2,019 sqm of non-residential floor space (including a mix of B1a Office, Retail (A1, A2, A3, A4 and A5 uses) and Community D1 and Leisure D2 floorspace) 158 car parking spaces and 240 cycle spaces, landscaping and other associated works. Refused 01/05/2013 for the following reasons:

1. The proposed development by reason of its height, density, bulk and form is overbearing, out of keeping with the surrounding area and would have a detrimental effect on properties to the rear in Dyke Road Drive and the listed Preston Park and would set an undesirable precedent. The proposed development is therefore contrary to policies QD1, QD2, QD4, QD27, HE6 and HE11 of the Brighton & Hove Local Plan 2005 and SPGBH15: Tall Buildings.
2. It has not been satisfactorily demonstrated that 40% Affordable Housing cannot be achieved and the proposal is therefore contrary to policy HO2 of the Brighton & Hove Local Plan 2005 and policy CP20 of the Brighton & Hove Submission City Plan Part One.
3. The amount of commercial floorspace proposed does not comply with policy DA4 of the Brighton & Hove Submission City Plan Part One and policy EM2 of the Brighton & Hove Local Plan 2005 and would result in a potential shortfall of office space in the City.

The site has also had a large number of planning applications since becoming vacant approximately 30 years ago. The more notable applications include:

BH2006/03662: Renewal of outline approval **BH2003/00226/OA** for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Refused 22/02/2007

BH2006/03660: Renewal of outline approval **BH2003/00779/OA** for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Refused 22/02/2007

BH2003/00779/OA: Renewal of outline approval **BH1999/02000/OA** for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Approved 27/10/2003

BH2003/00226/OA: Renewal of outline approval **BH1999/01999/OA** for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Approved 03/07/2003

BH1999/02000/OA: Outline permission for demolition of existing building and erection of two linked office blocks (16,690 sq metres) underground parking for 509 cars and 2 surface spaces. Approved 08/05/2000

BH1999/01999/OA: Outline permission for two linked eight storey office buildings (10,940 sqm gross) with underground parking for 305 cars, landscaping and highway works. Approved 10/05/2000

4. REPRESENTATIONS

4.1 **Four hundred and sixty five (465)** letters have been received (please see table of neighbour addresses in Appendix 1 to this report), objecting to the proposed development for the following main reasons:

4.2 Scale and Density

a) Height - current height of Anston House is high enough - proposed towers are too tall and almost twice the height of Anston House. They are significantly taller than other buildings in Preston Road and therefore disproportionate. The development should be no taller than the adjacent buildings. Previous reason for refusal under application BH2012/02205 should still stand as buildings not reduced in height.

b) Massing - inappropriate and over-dominant, monolithic. From most angles the gaps between the towers will not be apparent.

c) Density far exceeds what would be appropriate in this location - it is a 'hyper dense' development comparable to central London densities and will not create a mixed, sustainable community.

d) Detrimental impact on the Rose Garden, the Rotunda and the listed Preston Park, especially the southern end in terms of loss of light and overbearing and loss of the 'green' character of Preston Park; buildings should be no taller than the tree line.

e) .Would dominate the skyline, detrimentally affect strategic views, be visible from many parts of the city, dwarf local landmarks and have a detrimental impact on the character of the surrounding area, Preston Village Conservation Area and the listed Viaduct.

f) It would change the character of the area in a negative way and would set an undesirable precedent for future development in Preston Road.

g) Obscures views of the valley and Preston Park

h) High rises elsewhere in Brighton have not been successful

4.3 Design

a) Development is unsympathetic, not in keeping with its surroundings and doesn't respect the local character or the character of Brighton, contrary to the City Plan Part One.

b) Development is unattractive, uninspiring and an unwelcome return to 1960s and 70s anti-social and unsightly high rises

c) Is not the landmark building that it should be at this important gateway into the city

d) Lacking in architectural style or originality, facades are too dark

e) No obvious benefit to setting one of the towers on an angle and will be out of keeping with the layout of neighbouring buildings

f) Lack of space within each flat

g) Insufficient outdoor recreation space

- h) The development would age poorly and look cheap
- i) The facades of the development will reflect the traffic noise from Preston Road into Preston Park - materials especially at low level should have sound deadening qualities and would make the facades more interesting
- j) Buildings are too close to Preston Road - would exacerbate the height and the impact on Preston Park and previous reason for refusal on BH2012/02205 - impact on the Listed park and Conservation Area - should still be a reason for refusal.
- k) No emergency access to the rear of the building
- l) Insufficient entry/exit for traffic
- m) The development would create a wind tunnel effect and a visual tunnel effect in Dyke Road Drive with the railway embankment on the other side of Dyke Road Drive.
- n) The foundations and underground car park could damage the boundary wall, gardens and properties in Dyke Road Drive
- o) Need more eco-friendly features
- p) Lack of drainage

4.4 Detrimental impact on amenity of neighbours

- a) Loss of sunlight/daylight,
- b) Overlooking and loss of privacy,
- c) Noise disturbance from new residents, air vents and traffic
- d) Noise disturbance and air pollution/dust from construction

4.5 Affordable Housing

- a) Not enough proposed - was reason for refusal in previous application **BH2012/02205** and a higher % affordable was previously proposed (30%).
- b) Concern over shared equity proposed - will it be truly affordable? They will be priced to exclude those in real housing need, such as key workers. Need to provide social rented housing.
- c) Development will not assist in meeting local housing need, in particular for family housing - will attract buy to let and overseas investors and inflate house prices.

4.6 Impact on on-street parking

- a) Too many parking spaces are proposed - should be encouraging use of public transport.
- b) Not enough parking spaces are proposed - will cause overspill parking on nearby roads which are already at capacity

4.7 Impact on traffic levels

- a) The proposed development will generate too much traffic. Preston Road is already busy and there will be serious problems for this main route into and out of the city. There is an already busy junction close to the site. Will also create more traffic in nearby roads such as Dyke Road Drive.
- b) The additional traffic could impact on safety of pedestrians and cyclists

c) Cycle network capacity cannot cope with the 432 additional cycles generated by the development

4.8 Impact on capacity of local services

a) Impact on capacity of local schools, GP surgeries, dentists and community facilities that are already stretched and oversubscribed

4.9 Impact on existing trees

a) Existing trees on the site and on adjacent sites could be affected or lost through the development

b) Trees were felled illegally at this site and should be reinstated.

4.10 Impact on Air Quality

a) Development will worsen already poor air quality around Preston Circus and the Air Quality Management Area.

4.11 Insufficient commercial floorspace proposed - less than the previous application **BH2012/02205** which was one of the reasons for refusal.

4.12 Café

a) No need for another café as there are already many in the vicinity.

b) It will attract too many people and increase traffic congestion

4.13 In addition, a petition objecting to the application has been received which contains **3,745 signatures**. The reasons given for objecting on the front of the petition are:

- The size, height and design of the development
- Overshadowing of the Rotunda and Rose Garden
- Poor space standards within the flats
- Changing the character of the local area and blighting the surrounding housing
- No key worker homes and the proposed 'affordable' homes will be priced to exclude those in real need and amount to only half the Council's requirement

4.14 Friends of Preston Park

Comment As a friends group, we represent the interests of park-goers, so we are only interested in what happens within the boundary of the park - our remit ends at those boundaries. Our focus has been on the impact of the overshadowing of the park by the new building at the park's southern end. Our committee agrees that, based on the information supplied, the overshadowing of the proposed building poses no great threat to people's enjoyment of the southern end of the park. So we won't be opposing the planning application.

4.15 **Thirteen (13)** neighbour letters were received in support of the application and **two (2)** letters commenting on the application were received (included in Appendix 1). Summary of comments:

- The team behind the proposals have exceptional reputations and strong track records. Design merits include underground car parking, double aspect apartments of a good size, thoughtful arrangement and massing of the buildings, landscaping that would improve the green corridor, is sensitive to and fits in with the area and will vastly improve the main gateway into the city. The towers will help to frame Preston Park and give it an identity and sense of place in a similar way to Central Park in Manhattan and due to the topography of the area the buildings will not be overbearing to areas to the North, South, or West.
- The current building is an eyesore and the development will be in keeping with the nature of the surrounding buildings
- The building is well designed and will provide something more than the existing surrounding buildings
- The new civic public space will be enjoyed by residents and neighbours
- The development will make a positive contribution to much-needed housing in the city;
- The development won't overshadow the park as the sun doesn't reach the area until 6-8pm depending on the time of year.
- The city urgently needs higher density mixed use residential and business enterprises

4.16 **The Brighton Chamber of Commerce:** Support the application, due to the lack of affordable workspaces and the importance of looking at new ways to provide workspace. The proposed collaborative workspace is welcomed and is a fantastic opportunity to boost Brighton's economic future.

5. CONSULTATIONS

5.1 External

5.2 BRE: Comment

The BRE were appointed to make an independent assessment of the Daylight/Sunlight report, submitted in support of the application. The only dwellings that could be affected are in Dyke Road Drive. It was found that loss of daylight to numbers 17-27 and 43 and 45 Dyke Road Drive would be within the BRE guidelines. 44 windows would not meet the BRE guidelines in numbers 28-42 and 44 Dyke Road Drive. Loss of light to some of these windows, for example those in numbers 28-30, 42 and 44 would only be marginally outside the guidelines and would be assessed as minor adverse. The worst affected dwellings would be numbers 33-40 inclusive, where the loss of light would be assessed as moderate adverse. The largest loss of light would be to number 36 and could be assessed as moderate to major adverse.

The rear of houses in Dyke Road Drive face within 90 degrees of due North and therefore loss of sunlight to windows would not be an issue and there would be little or no shadowing to the rear gardens.

The new development would cause limited overshadowing of the rose garden and wild flower meadow areas in Preston Park. This would happen for some of

the afternoon in the autumn, winter and spring. However, the BRE guideline that over half a space should receive at least two hours of sunlight on March 21st would be easily met. There would be little or no overshadowing in the summer, and in the spring, autumn and winter it would be possible for people to enjoy the sun by moving out of the shadowed area. Overall, the impact on the park is assessed as minor adverse.

The sunlight received in the communal gardens of the proposed development have not been assessed in the report, but it appears that the westernmost communal garden would meet the guidelines and it is uncertain whether the central communal garden would.

The daylight/sunlight received within the proposed flats varies from floor to floor. On the fifth floor and above, all rooms pass, but those on the first and second floor most of the living rooms do not meet the guidelines. It could be scoped whether the room layouts could be changed on these lower floors or the windows enlarged.

5.3 **Conservation Advisory Group Object:**

The Group recommend refusal of the application for the following reasons:

- Overshadowing of the rose garden and park along with the fact that the application does not make clear the extent of overshadowing for every month of the year.
- The overbearing nature of the building in relation to Preston Road and the park. The buildings are much closer to the road than existing building lines.
- The design of the buildings which involves a strangely angled central building, the angle of which increases the visual impact.
- The Group is concerned that if a development of this size is permitted here it could be a precedent for further sites further north.
- SPG 7.3.3 on tall buildings requires a conservation impact statement - this is not included in the application.
- The overwhelming effect of these buildings on the cityscape as shown by the developers' own before and after views.
- The Group urged individual societies to submit comments.

5.4 **County Archaeology Comment:**

In the light of the potential for impacts to heritage assets with archaeological interest at this site it is my opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works to be identified and either preserved in situ or where this is demonstrably not possible, adequately recorded in advance of their loss. Conditions are suggested.

5.5 **Ecology Comment:**

Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The proposed development will involve the loss of all existing vegetated habitats and the felling of one tree, with the trees around the site boundary being retained. The loss of habitats is acceptable given the proposed compensatory planting including a biodiverse roof, lawn edges seeded with meadow turf mixture, tree planting

including disease resistant elms, native hedge and woodland planting, and shrub and ornamental planting including species of known wildlife value. Retained trees should be protected in accordance with BS5837:2012.

- 5.6 Anston House and the adjoining portacabin have been assessed as having moderate bat roost potential, although no evidence of bats was found from external inspections and emergence surveys. Similarly, one tree on site has moderate bat roost potential and one has low bat roost potential although no evidence of bats was found, and activity around the site was generally low. However, as the buildings and two trees retain the potential to support roosting bats, it is recommended that a precautionary approach is taken to demolition and felling.
- 5.7 The site supports a low population of slow worms. The proposed development precludes the retention of slow worms on site, and as such the animals will need to be translocated to a suitable receptor site. Liaison with Brighton and Hove's City Parks department at the earliest opportunity is recommended.
- 5.8 The site has the potential to support breeding birds, including the peregrine falcon. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting opportunities should be provided to mitigate for any loss of habitat.
- 5.9 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 a green (chalk grassland recommended given the location within the Biosphere) roof, the use of species of known value to wildlife within the landscaping scheme, and the provision of bird boxes. Advice on plant species of value to wildlife can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Given the location of the site, it is recommended that bird boxes should target starlings, swifts and peregrines. Woodcrete boxes are recommended for their durability.
- 5.10 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 5.11 **Historic England Comment:**
The latest proposals differ from the last scheme that was refused consent here in 2013 in the following ways: the overbearing impact of the scheme on the properties at the rear in Dyke Road has been lessened by reducing the massing at the rear; the massing has been redistributed to the front of the site, but providing a greater set back from main road frontage; improvements to the

quality of the design have been carried out; and consideration has been given to ways of creating a more vibrant and attractive public realm.

- 5.12 The result is a scheme comprising three towers at the front of the site ranging from the tallest at 15 storeys in height at the southern end to 13 storeys at the centre and 14 at the northern end. The central and northern towers are interlinked by a four storey podium. To allow greater long views into and out of the Park and to make the spaces between the towers appear more significant the central tower has been twisted to be orientated at a different angle to the other blocks. As a result of the redistribution of the quantum of development compared to the refused scheme, the buildings are now taller and of a greater massing at the front of the site nearest to the park.
- 5.13 Historic England accepts that this derelict site and the existing post-war office blocks do not provide a particularly attractive townscape and setting for Preston Park or a gateway to the city. The site has been vacant for over 20 years and has a significant planning history. We recognise the intractable problems that have been experienced to date in bringing this site forward for redevelopment as well as the potential regenerative effect for the City if an appropriate and well- designed scheme is delivered here along with meeting some of the Council's housing requirement.
- 5.14 It is recognised that the applicant has also taken on board some of our pre-application advice and has reduced the scale of the connecting podium. We also welcome the consideration that has been given to how redevelopment of this site might set design parameters for the future townscape along this road. Verified views of the impacts of the proposal in a number of viewpoints have also now been provided.
- 5.15 Historic England considers that the wide tree lined avenue approach to the City, with views to the open park beyond this, provides sufficient space for taller development to be located on the western side of the road. However, what the appropriate height and massing should be along the frontage to Preston Road, does need to be carefully assessed in terms of its dominant impact on this spacious boulevard character, and on the open southern aspect of Preston Park; and on key strategic views around the City. Furthermore, as this height and massing of development will possibly set the urban design parameters for future development along this road, the cumulative impact of this height and massing on the setting of Preston Park, conservation areas and other designated assets also needs to be taken into account.
- 5.16 It is recommended that the issues above are addressed and that the application should be determined in accordance with national and local planning guidance, and on the basis of the Council's specialist conservation advice.
- 5.17 **Natural England** No comment:
- 5.18 **Southern Gas** Comment
Advised that there should be no mechanical excavations above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate

pressure system. Where required, confirm the position using hand dug trial holes.

5.19 Southern Water Comment

The development cannot be accommodated without additional infrastructure. The development would increase flows into the wastewater sewerage system and increase the risk of flooding. A condition is recommended on an approval, requiring an appropriate drainage strategy and implementation timetable to be submitted. Southern Water can provide a water supply to the site, which requires a formal application to be submitted. Informatives with Southern Water contact information is suggested.

5.20 Sussex Gardens Trust: Object:

The SGT advises that in its opinion the proposed residential towers rise far in excess of that judged appropriate for this location, and that any towers on this site should not be readily visible above the existing mature 19th Century Elm trees that enclose the park.

5.21 The development is not of sufficient design quality to justify this prominence. It will bear down upon the formal gardens, and impose upon the wider historic designed park landscape, in an intrusive fashion so as to cause significant harm to the setting of this grade II designated heritage asset. Moreover it will be seen to set inappropriate design parameters for future developments within this 'development area'; and if approved a precedent will be set, that will cause ever increasing and substantial harm to the park's established low to medium rise urban setting and the legibility of the valley.

5.22 The development is judged contrary to the guidance within the National Planning Policy Framework regarding the protection of designated heritage assets, and similarly is judged contrary to the Council's planning policies DA4 and CP15 in the City Plan and the advice within the Council's Supplementary Planning Guidance on Tall Buildings. The Trust objects to this development, because of its height, form and appearance, which is judged to cause substantial harm to the setting of Preston Park.

5.23 Internal

5.24 City Clean Comment

They have estimated the correct number of bins and the bin stores are also fine. From what I can see the bins will be taken to the front of the site for us on collection day. This is absolutely fine, my only concern would be; is there enough room for our refuse vehicles to enter the site and leave? As long as the space here is adequate and we can safely turn and leave in forward gear Cityclean would be happy.

5.25 Following comments from Transport regarding the access and from the Ops team, the access is considered to be acceptable.

5.26 City Regeneration Support:

City Regeneration fully supports this application. The derelict site, located close to major businesses and residential properties has blighted the Preston Road

area for many years providing a negative view for the many visitors to the city. The redevelopment of the Anston House site is welcomed for the proposed provision of 229 dwellings which will make a significant contribution to addressing the Council's challenging housing needs. The (B1/A3) commercial space will provide employment and business growth opportunities, contributing to the city's economic wellbeing.

5.27 The number of FTE employment opportunities indicated are welcomed and will exceed the minimum quoted in the OffPAT Employment Density Guidance. Should the application be approved, an Employment and Training Strategy will be required, with the developer committing to using an agreed percentage of local labour. It is proposed for this development that the minimum percentage of 20% local employment is expected for the demolition (where appropriate) and construction phases of the development.

5.28 In respect of the training commitment, industry guidelines (CITB) for KPIs based on the value of the development should be referenced. Early contact with the council's Local Employment Scheme Co-ordinator is recommended to progress the Employment and Training Strategy, in order to avoid any delays in the planned commencement of the development.

5.29 Also, if approved, in accordance with the *Developer Contributions Technical Guidance, City Regeneration requests a contribution through a S106 agreement for the payment of £69,900 towards the council's Local Employment Scheme.

5.30 **Education Comment:**

If this proposed development were to proceed we would be looking to secure an education contribution to school provision in this part of the city. We only seek contributions where there is a demonstrable need for additional pupils. In this part of the city there is a demonstrable need in all phases of education. In terms of nursery places Preston Park ward has less childcare per child than the city-wide average. The Anston House development is on the edge of St Peter's and North Laine where there is also lower than average provision. In addition the entitlement for 30 hours free childcare is likely to increase demand for places from September 2017. In our research 93% of respondents in Preston Park ward stated that they would take up the additional hours if they were entitled to them. Also our data indicates that 55% of 3 and 4 year old children in Preston Park have a working parent (compared with 40% city-wide). Funding would be used to support local childcare providers in the private and voluntary sectors to extend their provision to offer more places; it could also be used as start-up funding for a new provider, and/or sustainability funding as business grows.

In terms of which schools might benefit from this funding I would suggest this could be Stanford Infant and Junior Schools, St Bartholomew's CE Primary, Downs Infant and Junior Schools and St Bernadette's C E Primary School as these are the closest. These schools offer a total of 1922 permanent places and there are currently 1915 pupils on roll. In terms of secondary schools this development would fall into the catchment area of Dorothy Stringer and Varndean Schools and the funding would be used at either or both of these schools.

- 5.31 **Environmental Health (Air Quality) Comments:**
 Officer recommends approval of the planning application, subject to mitigation measures. Whilst there is not a direct impact to human health in terms of air quality, the completed build will generate additional vehicle movements which have the potential to impact the Air Quality Management Area (AQMA) to the North and South of the scheme. Given the indirect impact, there is a requirement for the applicant to implement numerous mitigation measures to address the acceptability and future proofing of the build. A robust Construction Environmental Management Plan (CEMP) is strongly recommended to be secured via the section 106 process as follows:
- 5.32 The Developer covenants with the Council not to Commence Development until it has submitted to the Director for approval a Construction Environmental Management Plan (CEMP) which will provide the following information:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise, dust management, air quality, vibration, site traffic and deliveries to and from the site
 - (v) A plan showing construction traffic routes
 - (vi) The CEMP shall include all items taken directly from Appendix D of Phlorum, Sept 2016 Air Quality report.
- 5.33 On receipt of written confirmation from the Council stating approval of the CEMP the Developer shall use its reasonable endeavours to implement the commitments set out in the CEMP during the construction period. And the following conditions are recommended to be attached to a planning consent:
- Any flues or chimneys with emissions to air are situated at least 1.5 m above highest roof apex for best case dispersion refers to AQAP summary table measure 15
 - Any boilers should be ultra-low NO_x gas boilers refers to AQAP measure 14
 - Tree and shrub planting on site to consider selection of species to mitigate pollution in the gas and particulate phases (or on approach to the site if part of the development scope) as measure 19 of the AQAP summary table
- 5.34 **Environmental Health (Ground Contamination and Neighbour Amenity) Comment:**
- 5.35 The Ground Investigation Report submitted in support of the application indicates there is unlikely to be significant contamination and removal of made

ground during basement excavations will be effective in removing any potential source of contamination at the site. The site poses a low risk to controlled waters and future site users are considered to be at low risk from ground conditions at the site. Concentrations of inorganic and organic compounds in near surface soils are considered to pose a low risk of harm to construction operatives. Soils at the site are unlikely to exhibit significant concentrations of organic matter therefore measures to protect against ground gases (methane, carbon dioxide and radon) are not required for new buildings at the site.

- 5.36 There are concerns about how local residents and businesses will be affected during the construction of the proposed premises. There is a vast amount of construction proposed, in close proximity to local residents and businesses. It is therefore recommended that a Construction Environmental Management Plan (CEMP) be required, which may necessitate the final developer signing up to a section 61 prior agreement. The CEMP may be secured through the Section 106 process, if applicable.
- 5.37 A noise assessment was submitted with the application. I have no reason to disagree with the recommendations and conclusions of the report. The methods used, detailed assessment and proposed measures are recognised techniques in achieving the noise levels necessary. It is suggested that conditions be applied to a consent, requiring that measures shall be implemented in strict accordance with the approved details and recommendations contained within the noise assessment. A condition restricting noise from plant and machinery is also required.
- 5.38 In addition post completion testing is required prior to occupation, order to demonstrate the achievement of internal sound levels as described in the noise assessment. The testing also needs to demonstrate that where commercial premises adjoins residential (ground floor/first floor) internal noise transfer is suitably controlled and achieves a sound insulation level of 5 dB better than the requirements of Approved Document E of the Building Regulations.
- 5.39 **Flood Risk Comment:**
Recommend approval as the Lead Local Flood Authority (LLFA) has no objections to this application, subject to the inclusion of a condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations to developers set out in the Council's Strategic Flood Risk Assessment 2012.
- 5.40 **Heritage: Object:**
The demolition of the existing office block and the proposed development of this vacant eyesore site are very welcome. The site lies towards the southern end of the tall building corridor identified in policy CP12 and the Tall Buildings SPG and in principle tall development is acceptable on the site. In particular it sits within a stretch of existing medium-rise and tall buildings that face onto Preston Park, with the tallest buildings at both ends, and which visually relate to the canopy height of the trees on the western side of the park. However, the tallest tower of the proposed development would be over 50m high and all three towers would

be substantially taller than other buildings in this corridor and substantially taller than the undulating tree canopy. They would be unduly assertive and overly dominant in views from Preston Park itself and from the Preston Village and Preston Park conservation areas and would also significantly and uncharacteristically break the horizon line in the view from Dyke Road Drive as a single large mass. The impact of the actual height from Preston Park would be exacerbated by the fact the building would be set c16m further forward than the prevailing line of the existing tall buildings. Consequently the buildings would appear much closer to Preston Park than existing tall buildings. Of particular concern is the proposal for three separate but linked towers, the comparative narrowness of the spacing between them and the lack of height variation across the three towers. This has the unfortunate effect of the causing the separate towers to coalesce into a single large mass in a number of key views.

- 5.41 The proposed development is of high architectural quality and in a sympathetic palette of materials with visual interest at street level and carefully integrated landscaping. Nevertheless, it is considered that the combination of the very tall height, the uncharacteristically narrow spacing between towers and consequent poor visual permeability, the lack of height variation across the towers and the forward building line would cause clear harm to the setting of the Preston Park and Preston Village conservation areas and to the setting of the registered park, and would cause some harm in long views across the east of the city from Dyke Road Drive/Highcroft Villas, including views of the listed Brighton General Hospital site.
- 5.42 This demonstrable level of harm to a number of designated heritage assets is considered to be less than substantial under the terms of the NPPF, but the NPPF makes clear that great weight should be given to the conservation of all designated heritage assets and their settings. In this case there is considered to be a benefit, in principle, in bringing this long-vacant eyesore site back into use but this alone is not considered to outweigh the identified harm. Refusal is therefore recommended unless it is considered that the wider public benefits of the development would outweigh all of the identified harm.
- 5.43 **Housing Comment:**
The city-wide Housing Strategy adopted by Council in March 2015 , has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the city needs with a particular emphasis on family homes for Affordable Rent . To be compliant with City Plan policy CP20 the scheme should provide 92 properties (40%) as affordable housing. The Affordable Housing Brief sets out a broad tenure split of 55% Social Rent or Affordable Rent and 45% Intermediate /e.g. Shared Ownership sale as a citywide objective. At Anston House this equates to: 50 units for affordable rent and 42 properties for shared ownership sale.
- 5.44 The offer on submission of the application was 46 units (20%) of shared ownership only and does not therefore comply with policy CP20 of the City Plan or the Affordable Housing Brief.

- 5.45 Within the affordable housing 10% should be wheelchair accessible which would equate to 9 properties. The current scheme proposes 7% wheelchair units in the whole scheme (16 units), which exceeds the council's requirements for 5% of the overall scheme to be wheelchair accessible. However, wheelchair units for shared ownership have previously proved difficult to sell, leading to their conversion to non-wheelchair units, and the provision of wheelchair accessible as rented units would therefore be particularly welcome. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 m (3)2a at build completion (i.e. at time of letting/sale). The Design & Access Statement (section 10.2) confirms this standard will be met.
- 5.46 Further comments were received from the Housing Officer following the District Valuer's assessment of the financial viability of the development, which reported that the development could viably provide either 20% affordable housing (all shared ownership) or 13.1% affordable housing at the Council's preferred tenure split (55:45 in favour of affordable rented), which the District Valuer stated would translate into the provision of 17 affordable rent units and 13 shared ownership units.
- 5.47 In light of this, the Housing Officer has confirmed that the preference would be for 13.1% affordable housing at the Council's preferred tenure split, given the clear need for affordable rented units in Brighton & Hove.
- 5.48 The applicant proposed to provide these 30 units as 50% 1bed flats and 50% two bed flats. Whilst the Housing Officer would prefer the inclusion of 3 bed units within this mix, the Housing Officer considered that the proposal would be acceptable, given that there are only 11no. 3 bed units in total, and smaller units are useful for those wishing to downsize and therefore potentially freeing up larger family homes elsewhere in the city.
- 5.49 As the affordable offer falls short of the 40% policy requirement due to verified viability issues with the scheme, the Housing Officer considers that it would be appropriate to reassess the scheme's viability near to the completion of the development, so that any increase in the viability is reflected in a corresponding uplift of the affordable housing offer, which the Housing Officer confirmed can be provided as a commuted sum in lieu of on-site provision. The reassessment of viability (referred to as a Review Mechanism) is outlined in the Council's Affordable Housing Brief and can be included in the s106 agreement.
- 5.50 On this basis, the Housing Officer considers the proposed development to be acceptable.
- 5.51 **Planning Policy Comment:**
The council is keen to see the successful regeneration of this vacant site. The principle of a mixed use redevelopment of the site is supported by DA4.C.3 in the Brighton & Hove City Plan Part One.
- 5.52 The scheme is providing less commercial floorspace than required by the policy allocation. There is a shortfall of employment sites to meet the forecast

floorspace requirements over the plan period; there is a lack of Grade 'A' office accommodation and office vacancy is at its lowest level for 10 years. Retaining office space as part of the mixed use redevelopment of this site is important to help meet future needs and to complement the delivery of new office space in the city centre and other identified strategic allocations.

- 5.53 Consideration has been given to the particular type of office provision proposed to be provided by Central Working who will manage the space and the job density that they estimate could be accommodated through a mix of open plan and semi-private business spaces focused on start-up and small/ medium sized businesses (SMEs) through higher effective job densities and space utilisation ratios.
- 5.54 Whilst the nature of workspace provision is changing, this form of employment provision would not meet the floorspace requirements for all the city's key employment sectors and would not provide for the needed, larger scale move on accommodation required for growing businesses.
- 5.55 If consent is granted for the proposed amount of employment it should reflect the exceptional circumstance that this site has been vacant and unoccupied for two and half decades during which time it has not provided any employment benefit to the city; that there is an identified company to run and manage the employment space and ensure the success of the commercial floorspace which could lead to job density comparable to a more traditional office layout of 3,000 sq m; and the viability arguments put forward with the applicant for this site have been verified.
- 5.56 The housing target of 450 units for the DA4.C.3 allocation is set as a minimum. The impact of prior approvals to convert to residential use in the Preston Road area before the council's Article 4 Direction came into effect and have/ or in the process of being implemented will have an impact on the vision for a comprehensive redevelopment of the Preston Road area and may have an impact on the housing target identified for DA4.C.3. The SHLAA 2014 provides an indicative housing potential for 200 units for the application site.
- 5.57 The appropriateness of delivering more housing units on this site will be considered against the other requirements of the policy including the need for a high quality design which respects and enhances the local historic environment, the residential character of the area and the parkland setting.
- 5.58 With respect to provision of affordable housing the expectation of CP20 is to achieve 40% affordable housing provision on sites of 15 more units. Evidence, referred to in paragraph 4.220 of the supporting text to CP20 Affordable Housing, indicates the significant need for affordable housing in the city. Paragraph 4.223 indicates that the council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes. Justification for a lower provision of affordable housing will need to address criteria i-v in the policy.

- 5.59 The applicant proposes to provide 46 shared ownership units, offered on a variety of share options. The affordable housing provision is to be located within the central tower between the 1st and 8th floor, accessed from a single core allowing easier use and management. This equates to 20% provision of affordable housing.
- 5.60 The applicant indicates that the reduced funding available for affordable housing provision, the increased construction costs (and specification costs of the towers) and the provision of commercial floorspace have a detrimental impact on the financial viability of the project. The provision of the 20% affordable housing is offered despite not reaching a target rate of return. The submitted Financial Viability Assessment concludes that it would be unviable to provide 40% affordable housing on site and that the second scenario, that even with 5% provision does not achieve the required return of return. However this scenario requires further clarification. The Financial Viability Assessment and conclusions should be subject to independent scrutiny by the District Valuer.
- 5.61 The proposed housing mix for this scheme could be improved upon by the provision of more three bedroom properties in the overall mix and in the affordable housing mix.
- 5.62 **Sustainability: Comment:**
The energy strategy for the scheme as detailed in the 'Energy and Sustainability Statement', includes a site energy centre with gas CHP plant providing heat and power through a site wide communal heating system, backed up with communal gas boilers. These are predicted to deliver a 27% carbon reduction against Part L 2013 - exceeding the minimum 19% improvement required by City Plan Policy CP8. A BREEAM New Construction pre-assessment report has been submitted for the non-residential development. This targets an 'excellent' score achieving 70.73% which is just within the 'excellent range (70-84%)'. Both the café and the office elements are targeting BREEAM 'excellent'.
- 5.63 Proposals address the local priority 11 for the DA4 Policy New England Quarter and London Road to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks through their heat network proposals. In order to meet Policy CP8 which requires development to address how they might connect to future heat networks in the area, it is recommended that a condition be attached requiring that the energy centre has capacity for future connection. The Energy and Sustainability Statement commits at paragraph 4.8, to accommodating future connection.
- 5.64 It is recommended that the developer explore accrediting their heat network under an independent quality assured scheme such as the heat customer protection scheme under the Heat Trust. This would: ensure support for vulnerable heat customers; commit to heat supplier obligations; and provide high standard of customer service.
- 5.65 The scheme includes proposals for a range of passive and active energy efficiency measures: high performance, engineered facade with optimised U-values and G-values; windows carefully designed to balance daylight, heat loss

and heat gain; low air permeability; mechanical ventilation with heat recovery; low energy lighting; variable speed pumping.

- 5.66 Renewable energy feasibility has been undertaken but the conclusions have led to gas CHP being proposed as the most efficient option to the exclusion of renewables. Heat pump technology has been explored but discounted in favour of gas CHP. Policy CP8 requires that: 'All development proposals including conversions, extensions and changes of use will be expected to demonstrate how the development: (c). facilitates on-site low or zero carbon technologies, in particular renewable energy technologies'. The energy performance that has been targeted is high and beyond that required through policy. A low carbon technological solution has been proposed and therefore the absence of renewables is acceptable in this instance. However, given that the energy needs for electricity in the scheme are high, and policy seeks renewables, in order to future proof the development it is recommended that the applicants ensure that there are some roofs that are retrofit ready for solar technologies for future installation. To ensure this is achieved, a condition should be applied securing further details, providing evidence that roofs are retrofit ready for Photovoltaics. This goes some way to addressing policy CP8; 'facilitates on-site low or zero carbon technologies, in particular renewable energy technologies'.
- 5.67 To mitigate heat island effect, the development proposes widespread landscaping and planting throughout the development including an additional 15 trees; proposals for extensive green roofs covering a total area of 2396m², and the use of sustainable materials (materials that have low embodied energy and timber from certified sustainable sources). The scheme could be improved by incorporating provision for composting; greater provision of new ecological habitats, and inclusion of food growing into landscaping plans.
- 5.68 **Sustainable Transport Comment:**
Comments based on original plans:
The Highway Authority would look for the number of fully accessible disabled car parking spaces to be maximised and this will result in a small reduction of parking spaces. Potential straight forward changes to increase the number of fully accessible disabled parking spaces are:
Basement Level
- Remove space 61 and ensure space 60 is fully accessible
 - Remove space 02 and ensure space 01 is fully accessible
 - Replace spaces 58 and 59 with a fully accessible space.
- 5.69 The car park is to be split between ground and basement level, with 54 spaces at ground floor level and 61 spaces at basement level. The car park layout is not particularly easy to navigate round due to both the design and location of bays and presence of pillars. Changes to the car park layout are suggested.
- 5.70 Further comments following amended plans:
SPD14 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard for visitors. The applicant is proposing a total of 18

disabled car parking spaces (10 basement & 8 ground floor). The vast majority of these are fully accessible in that they have a 1.2m clear zone either side of the bay. Some of the clear zones are partially obstructed due to the location of structural pillars that run through the building. The proposed level of disabled car parking is considered acceptable given the likely demand and the other opportunities to park in the local area.

- 5.71 The applicant is proposing a total of 111 car parking spaces (of which 18 are for disabled users) where previously a total of 115 were proposed. The proposed car parking level is deemed acceptable subject to the inclusion of the CPZ permit free condition and other mitigation in the form of Travel Plan measures.
- 5.72 In the latest drawings the applicant has made the majority of changes to the car park layout to ensure safe and convenient access within the car park. The car park layout at basement and ground level is considered acceptable but the Highway Authority would still look for the previously requested conditions on car park signing/lining.
- 5.73 SPD14 requires that for residential schemes of 10 or more car parking spaces, 10% of the car parking provision should have electric vehicle charging and a further 10% of the total provision should have a passive provision to allow conversion at a later date. These are minimum standards and therefore the applicant could provide more; should they wish. Further details should be secured via condition.
- 5.74 **Tree Officer Object:**
This site is located in the Preston Park Conservation area and was initially covered by a Tree Preservation Order made in 1970 (TPO 1970-4). This order was later revised in 1998 (TPO 1998-3) and this protected 12 trees in total comprising, 6 Elms, 3 Sycamore, 1 Purple beech, 1 Pear and 1 Lime. Only one of these original trees can be found on site today with the majority of the losses arising from an incident in 2007 when unauthorised fellings were undertaken. The Council subsequently took action against the owner at that time and was successful in court with fines being imposed.
- 5.75 Plans submitted highlight the felling of one large Lime tree (shown as T8 on the Arboricultural Assessment) described as being in "fair condition" with a lengthy useful life expectancy. The development will also impact on the rooting zones of a further six trees (T5, T6, T7, T9, T10 and T11) and there is concern as to the effect this will have. Based on the information provided the Arboricultural team are unconvinced of the measures being deployed to protect these roots and fear that works may result in further losses.
- 5.76 The landscaping scheme submitted looks attractive in the artist's impressions, however, there is a fear that much of this planting will have less impact than is being portrayed. Visually much of the highway footpath appears as if it is blended into the development giving a greater impression of space. Originally there were a number of trees on the frontage of this site, two of which were subjects of a TPO others covered by the Conservation area status. The soft landscaping offered goes little way in restabilising this frontage and when

coupled with the historic losses from the centre of the site represents an overall degrading.

- 5.77 The Arboricultural Section is unlikely to have issues around building height in relationship to trees. What does impact on tree retention and soft landscaping is the space lost to building footprint and other hard surfaces such as car parking and roads. For obvious reasons we tend to welcome small footprints and underground parking where this is located directly under buildings. This scheme covers the vast majority of the site in buildings and access road leaving little space for any meaningful tree planting. In view of both the existing and previous tree cover on site and the prominence of the location the Arboricultural Team recommends that consent is refused.
- 5.78 The Tree Officer recommended tree protection measures for existing trees to be retained during and after construction, should the application be approved.

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
DA4 New England Quarter and London Road Area
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
CP14 Housing density
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU5 Surface Water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO1 Housing sites and mixed use sites with an element of housing
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO21 Provision of community facilities in residential and mixed use schemes
EM9 Mixed uses and key mixed use sites
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE11 Historic parks and gardens

Supplementary Planning Guidance:

SPG15 Tall Buildings

Supplementary Planning Documents:

SPD02 Shop Front Design
SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the design and appearance of the development, the potential impact on nearby heritage assets and the listed park opposite, the potential impact on the amenity

of the residents on Dyke Road Drive, the amount of commercial floorspace and the nature of the proposed use, and the amount and type of housing proposed.

- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 The principle of the mixed use development and a tall building:
The existing office building Anston House, is widely regarded as an 'eyesore' and has been vacant for some 30 years. Previous consents for redevelopment of the site and for conversion into residential flats have now expired. The site lies within Development Area 4 (DA4) and within Strategic Allocation 3, as set out in the City Plan Part 1. Policy DA4 and the Strategic Allocation encourage redevelopment of the site (137-147 Preston Road) to provide mixed use office and residential development, and to retain a minimum 3,000sqm office floorspace. The policy doesn't set out a specific amount of residential for this site, but requires a minimum of 450 units across the Strategic Allocation (covering 125-163 Preston Road). The Strategic Allocation was informed in part by the Strategic Housing Land Availability Assessment 2014 which identifies that the Anston House site has the potential to provide 200 residential units, anticipated to come forward in 2019-2024. The Strategic Allocation also seeks a high quality design which respects and enhances the local historic environment, the residential character of the area and the parkland setting; a development which contributes positively to the creation of a coherent cluster of tall buildings with a consistent building line and a strong street frontage; and a mix of dwelling type, tenure and size to cater for a range of housing requirements and to improve housing choice.
- 8.4 As such, the Council welcomes the redevelopment of the site and seeks the provision of 3,000sqm office floorspace and housing to help meet the Council's identified need for a minimum of 450 units in the wider strategic allocation. The policy officer has advised that the comprehensive redevelopment of the strategic allocation intended through policy DA4 has to some extent been undermined by the conversion of some of the office buildings in this area into residential flats through prior approvals and permitted development rights, for example at 157-159 Preston Road. Therefore, there is now some doubt as to whether this development area can deliver the level of housing anticipated through the strategic allocation.
- 8.5 In terms of the proposed density of development, the total floorspace amounts to approximately 16,305sqm. In comparison, the policy requirement for minimum 3,000sqm office and the identified capacity of 200 residential units in the Council's SHLAA would amount to 15,800sqm (using the development's average flat size of 64sqm). The difference between the two figures is the equivalent of 8 additional flats (or 5 additional 3 bed flats) over and above what

the Council's policy and SHLAA indicates would be anticipated on this site. The development proposed does not therefore significantly exceed the approximate density that the Council expects for this site, and the NPPF requires that LPAs do not set maximum housing densities on individual sites, reflecting the overall need to boost housing supply. City Plan policy CP14 allows housing densities higher than those found in the locality, where, in summary: the design is of a high quality, an appropriate mix of units is provided; the site is easily accessible by public transport and well served by local services, and an appropriate amount of outdoor recreation space is provided. These, as well as the potential impact on the local character and heritage assets, and on neighbour amenity, are therefore the key issues to be assessed in this application and each will be addressed in this report.

- 8.6 The principle of the mixed use development and the amount proposed are therefore considered to be acceptable in terms of the Council's adopted policies.
- 8.7 Design:
Paragraph 3.49 of policy DA4 identifies the west of Preston Road (which includes this site) as a secondary office location, with medium and high rise office blocks and tall residential blocks midway along the route. Redevelopment should enhance the setting of the adjoining Preston Village conservation area, the setting of the Viaduct and the setting of Preston Park as a registered park of special historic interest, as well as respecting the amenity of the neighbouring residential area. Regard should be had to the Supplementary Planning Guidance note 15 on Tall Buildings.
- 8.8 SPG 15: Tall Buildings sets out guidance for development which is 18m or taller and/or significantly greater in height than surrounding development. This site lies within an area identified for significantly taller buildings, known as the London Road/Preston Road Tall Buildings Corridor where "...there are opportunities to reinforce the existing tall buildings and utilise the significant level change to the west"...Further, "There are significant opportunities to enhance the appearance of the existing tall building frontage to the west of Preston Park."
- 8.9 The design and heritage policies of the City Plan and the retained Local Plan provide the relevant local policy guidance. City Plan policy CP12 seeks to raise development densities where appropriate, and directs higher densities towards the areas identified for tall buildings. The policy sets out 9 design principles for all new development.
- 8.10 The Design and Access Statement and the Tall Buildings Statement submitted in support of the application set out in detail the context of the site and the design process and describe how the proposal would sit in the wider landscape. The submissions include a number of strategic views that indicate how the building would appear from key vantage points in the area. The strategic views were chosen in consultation with the Heritage Officer during the pre-application stage.

- 8.11 The design of the scheme offers a very different solution to the previously refused scheme (BH2012/02205). This scheme relocates the quantum of development away from the Dyke Road Drive houses at the rear in order to reduce the potential impact on these residents, and moves it towards the front of the site whilst setting back the building further from the street frontage than the previous scheme. The design of the current scheme was informed by not only the judgement on the previous scheme, but through public consultation with the local residents and a comprehensive contextual analysis carried out by Fletcher Priest architects. This looked at the site's history, including the previous siting of the Victorian villas and the topography of the site, and the existing building lines on Preston Road, and how the scheme could meet the Council's aspiration to strengthen the building line through the strategic allocation whilst taking account of existing building lines at the adjacent sites which have not yet come forward for redevelopment. The Listed Park and Conservation Area, as well as other notable local heritage assets formed a large part of the design process and the analysis emphasised the need for architecture of an exemplar standard to respond to each of these assets.
- 8.12 During the pre-application stage, the applicant opted to submit the scheme to the Southeast Design Review Panel on three separate occasions during the design development of the scheme, which is actively encouraged by this Local Planning Authority. Some amendments were made in response to this process, including reducing the width of the towers, reducing the twist of the central tower, reducing the height of the connecting podium between the north and central towers, setting only the central tower roof on an angle and refining the materials palette.
- 8.13 The Heritage Officer raised concerns over the height of the development and the potential impact this would have on the local heritage assets, in particular the Listed Preston Park. The strategic views submitted by the applicant demonstrate that the development would be visible above the tree line on the west side of the park and the Heritage Officer objects to the principle of exceeding the tree line as this would alter the character of the park.
- 8.14 However, the policy guidance on tall buildings emphasises the importance of the design and it is possible for tall buildings to integrate successfully with their surroundings, if they are designed sensitively with regard to the local context. The proposed scheme with three separate, slender towers, at the higher levels, is considered to be an appropriate form of development at this site, as it allows views through the site in the gaps between the towers and also respects the historic plot widths in this part of Preston Road. The towers also provide a more elegant form at the higher levels than a single block would be able to achieve. The top of the towers have also been carefully designed with the simple flat roof form with a raised parapet to hid roof structures and large windows to the top floor flats. The façade materials wrap around the roof to create a seamless and clean finish, which is key to the success of a tall building.
- 8.15 The façade materials are high quality, durable, and sympathetically designed to acknowledge the local heritage assets and to help integrate the development successfully into the street scene. The red ceramic tiles proposed for the central

tower and the 4 storey podium take reference from patterned ceramic tiling on some of the historic buildings within the Preston Village Conservation Area and provide a bold, playful identity for the less conventional central tower. A similar ceramic tile is proposed for the frontages and frontward flanks of the north and south towers but in a buff (cream) colour, which again take reference from local historic buildings and provide a more muted finish to the other towers. The ceramic tiles are bespoke and created specifically for project by Moeding. Each tile is angled (multi planar) to provide reflectivity and weathering protection whilst reducing glare. The rearward flanks and rear elevations and some inset areas within the frontages are to be finished in buff brick which provide a more subtle matt finish whilst complementing the feature ceramic tiles. The balconies, window frames and fascias are to be anodised aluminium finished in a dark bronze colour which would tie in with the colour palette. Full details are set out in the Design and Access Statement submitted with the application.

- 8.16 The playful twist of the central tower and its mono-pitch roof form adds interest to the design and is angled towards the Listed Park which adds to the sense of place and helps to create an architectural identity in this area, and which would enliven the existing cluster of tall buildings on this stretch of Preston Road.
- 8.17 The manner in which a building reaches the ground and how it connects with the public realm at a human scale is also crucial to the success of a development. The proposed scheme is considered to significantly improve the appearance of the site at ground level, as a generous and attractive public realm is created at the frontage and an active use (the café) is introduced at the site. The traditional building layouts on this side of Preston Road, with large areas of surface car park at the front of the sites are considered to impact negatively on the character and visual appearance of the area, therefore the bringing forward of the Anston House building line is welcomed and meets the policy objective of strengthening the building line in this area.
- 8.18 For these reasons, it is considered that the proposed scheme would be a high quality addition to the area, would enliven the street scene and would significantly improve the visual appearance of this site which has lain vacant for approximately 30 years.
- 8.19 The Heritage Officer advised that the development may be acceptable if it is considered that the wider public benefits of the development would outweigh the harm identified to local heritage assets and it is considered that there would be substantial public benefits of the development. The proposed scheme would provide much needed housing including affordable rented units, A Class office space, as well as the wider regenerative benefits of bringing this site back into use, removing the existing dilapidated building and activating the street scene, and the applicant has committed to making the financial contributions and other measures set out in the s106 Heads of Terms at the end of this report.
- 8.20 The Residential Use
It has already been established that the principle of the residential use and the amount proposed are acceptable in planning terms.

- 8.21 In terms of the housing mix, City Plan policy DA4.c.3d), SA6 Sustainable Neighbourhoods and CP19 Housing Mix in particular part d), requires the provision of a mix of dwelling types and sizes in response to the city's housing needs.
- 8.22 Further guidance is set out in the supporting text to CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015). This indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. 70% of future needs are for 2 and 3 bedroom homes. This reflects continuing demand for housing from younger persons and young families. There may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.
- 8.23 The market housing element would provide 78 x 1 bed (42%) including 5 studio flats, 94 x 2 Bed (51%) and 11x 3 bed units (6%).
- 8.24 The Planning Statement indicates the mix is informed from advice by agents on immediate need and is considered appropriate for a central location. The Planning Statement indicates that the 1 bed and studio units are aimed at first time buyers, the 2 bed units at those looking to downsize and live in proximity to the city centre and Preston Park, young professionals and young people. They consider that 3 bed flats aimed at families would be a niche market for urban living as 'many larger/ mature families would prefer a traditional house with private garden.'
- 8.25 The proposed mix for this scheme could therefore be improved upon by the provision of a better balance between 1, 2 and 3 bed properties in the overall mix. However, on balance, it is considered that regard should be had to the research made by the applicant in determining what the market is currently demanding and what type of accommodation is likely to be taken up most readily at the site, and that the development would provide a range of unit sizes.
- 8.26 With respect to the unit size of affordable housing element of the proposal Policy CP20 indicates the preferred mix of unit size across the city - 30 % 1 bedroom, 45% 2 bedroom and 25% 3 bedroom units. The proposal is for 15 x 1 bed (50%) and 15 x 2 bed (50%) units. It is disappointing that the affordable housing mix does not include any 3 bed units. However, the Housing Officer advised that as this scheme only includes 11 x 3 bedroom properties in total, an increased number of one and two beds would be acceptable. Further, that smaller units for affordable rent can be particularly useful for those wishing to downsize, therefore freeing up larger family homes elsewhere in the city.
- 8.27 Policy HO13 of the retained Local Plan applies with respect to lifetime homes and accessible housing and is the nearest equivalent standard as indicated by the March 2015 Written Ministerial Statement (M4(2) and (3)). The units will meet the nationally described space standards (Part M of the 2015 Building

Regulations). Policy HO13 also requires that a proportion of the residential units should be wheelchair accessible, at a level of 5% overall and 10% of the affordable units. The application proposes that 16 units (7 x 1bed and 9 x 2bed) would be wheelchair adaptable. It is therefore recommended that a condition be attached to a consent, requiring that a minimum 10% of the affordable units be wheelchair accessible and that all these units are provided for the affordable rent units, where there is the most identified need. A separate condition is suggested that requires at least 12 of the units overall (5%) be wheelchair accessible.

8.28 Affordable Housing

The applicant initially proposed to provide 46 shared ownership units, offered on a variety of share options, which equates to a provision of 20% affordable housing. The affordable housing provision is to be located within the central tower between the 1st and 8th floor, accessed from a single core allowing easier use and management.

8.29 With respect to provision of affordable housing the expectation of CP20 is to achieve 40% affordable housing provision on sites of 15 more units. Evidence, referred to in paragraph 4.220 of the supporting text to CP20 Affordable Housing, indicates the significant need for affordable housing in the city. Paragraph 4.223 indicates that the council will seek the maximum reasonable amount of affordable housing when negotiating on individual schemes. Justification for a lower provision of affordable housing will need to address criteria i-v in the policy.

8.30 The applicant indicates that the reduced funding available for affordable housing provision, the increased construction costs (and specification costs of the towers) and the provision of commercial floorspace have a detrimental impact on the financial viability of the project. The provision of the 20% affordable housing was offered despite not reaching a target rate of return.

8.31 The District Valuer's independent assessment of the applicant's Viability Assessment concludes that based on the agreed assumptions and an agreed blended return on GDV of 17%, the development could viably provide affordable housing on the site at a level of 20% (all shared ownership) or 13.1% if compliant with Council aspirations to achieve 55% of the affordable units as 'affordable rent'. The District Valuer confirms that this would equate to 17no. affordable rent units and 13no. shared ownership units, based on average unit sizes across the development.

8.32 To accord with CP20, affordable housing provision should incorporate a mix of tenures. The council's Affordable Housing Brief 2015 has a tenure preference for 55:45 in favour of affordable rent. The Housing Officer advised that the preference would be for the affordable housing to be provided at the tenure split of 55:45, even though this would result in a lower number of affordable units overall. This is on the basis of evidenced need set out in the Affordable Housing Brief, which demonstrates that in terms of need for affordable rented accommodation, we currently have 1,647 households in Temporary Accommodation, 1,127 of which include children and/or pregnant women, and

more than 24,527 people on the joint housing register - 66% of whom are in demonstrable need - Bands A to C. For those seeking to purchase a home: The Help to Buy register lists 2107 people who have expressed an interest in buying a shared ownership property. [Source: Housing Statistical Bulletin July to September 2016].

- 8.33 The applicant was advised of this preference and the applicant has agreed to provide the affordable housing at the tenure split of 55:45 in favour of affordable rent, which would equate to 17no. affordable rent and 13no. shared ownership units, and this can be secured through the s106 agreement.
- 8.34 The District Valuer also advised that in light of the Council's Affordable Housing Brief (Oct. 2015) and the Developer Contributions Technical Guidance (June 2016) the Council should consider including a review mechanism in the s106 agreement, in order to reassess the development's viability and the provision of a greater (or lower) % of affordable housing at or near the completion of the development.
- 8.35 The applicant has also agreed to the principle of this review mechanism and this can also be secured in the s106 agreement.
- 8.36 The council acknowledges that national planning policy and guidance as set out in the Written Ministerial Statement (WMS) of November 2014 and National Planning Policy Guidance (NPPG, paragraphs 21- 23) with respect to affordable housing contributions and the application of Vacant Building Credit (VBC) are significant material considerations which should be taken into account in decision taking. [NB The application of the Vacant Building Credit at this development would result in a requirement for 34.4% affordable housing instead of the 40% policy requirement.]
- 8.37 Following the recent Court of Appeal decision (11 May 2016) regarding these matters, BHCC note that the provisions of national policy are not mandatory and that local circumstances may justify an appropriate exception to the approach outlined in national policy and guidance. In applying Development Plan Policy CP20 Affordable Housing, BHCC consider that there are specific and genuine local circumstances that justify an exception to national policy and guidance as set out in the WMS (November 2014) and NPPG (paragraphs 21- 23). This is specifically in terms of NPPG regarding site size thresholds for affordable housing contributions and the application of VBC.
- 8.38 In summary, those local circumstances constitute:
- The significant need for affordable housing in the city
 - A constrained housing land supply
 - The nature of land supply in terms of high residential delivery from smaller sites and brownfield site conversions, changes of use and redevelopment including vacant buildings.
- 8.39 The council will therefore not be applying the Vacant Building Credit and the provisions of Policy CP20 will therefore apply to this application.

8.40 The Office and Café Use:

The employment floorspace is arranged as a mix of open plan and semi-private business spaces focused on start-up and small/ medium sized businesses (SMEs) and is seen as facilitating collaboration and co-working. The commercial use is proposed to be managed by Central Working, a company that provide similar workspace elsewhere in the country. The concept of Central Working is based on a workplace-sharing regime creating higher effective job densities and space utilisation ratios directed at start up SME companies. The submitted information estimates that the minimum 162 workspaces could accommodate a minimum of 250 jobs. However if as suggested higher utilisation rates could be achieved there is a potential for 298 jobs to be accommodated. The inclusion of a café is considered an integral part of the design of the co-working office concept as it will add to the attractiveness of the office space to office users, be open to residents/ members of the public and so provide an active frontage for the mixed use building. The applicant has indicated that this space will be grade 'A' space designed and built to meet BREEAM Excellent standards in accordance with policy CP8 Sustainable Buildings. The café and some of the communal space would be used as event/ conference space at weekends and out of traditional hours.

8.41 The Policy Officer response outlined above, welcomes the mixed use redevelopment of the site to provide office and residential uses. However, the proposal (1663sqm commercial) does not meet the minimum office floorspace requirement for this site (3,000sqm as set out in policy DA4). Contrary to the Employment Study submitted in support of the application, the Policy Officer advises that there is high demand for grade 'A' office accommodation in the city and office vacancy is at its lowest level for 10 years. In addition, the type of office accommodation proposed would not meet the requirements of all the city's key employment sectors and would not provide the large scale 'move on' space needed for growing businesses. However, the proposed office use would provide flexible, open-plan accommodation for start-ups and small medium sized businesses (SMEs) that would create a higher density of employment use, and it is accepted that the job density could be comparable to a more traditional office layout of 3,000sqm. In addition, there is an identified company to run and manage the employment space (Central Working) and the site has not provided an office use for approximately 30 years. Furthermore, the independent District Valuer has analysed the applicant's viability assessment and concurs with the applicant that the office use impacts negatively on the financial viability of the scheme.

8.42 The City Regeneration Officer fully supports this application. The derelict site, located close to major businesses and residential properties has blighted the Preston Road area for many years providing a negative view for the many visitors to the city. The redevelopment of the Anston House site is welcomed for the proposed provision of 229 dwellings which will make a significant contribution to addressing the council's challenging housing needs. The (B1/ A3) commercial space will provide employment and business growth opportunities, contributing to the city's economic wellbeing.

- 8.43 If this application is approved, an Employment and Training Strategy will be required in addition to developer contributions towards the council's Local Employment Scheme, as specified in the Developer Contributions Technical Guidance.
- 8.44 On balance, it is considered that the proposed office use would provide an acceptable level of employment use that would be likely to attract a high occupancy rate for the long term. As such, it is considered to comply with the aims and objectives of City Plan policy DA4 and the Strategic Allocation.
- 8.45 The adjacent café would form an integral element of the office space, and is intended for use by the office workers and the public. Both the café and the offices would be open all day, every day. This would complement the flexible working practices and informal networking encouraged by this style of workplace, and would create an active frontage for the development.
- 8.46 Whilst there are already cafes within and around the park, it is not considered that the proposed café would noticeably affect their footfalls as they primarily serve customers who are already in the park, which is a popular destination throughout the year, especially when the park hosts special events. The proposed café would be more likely to attract customers from the proposed adjacent office use and from the proposed flats above, and from people already walking on this side of Preston Road. The City Plan policy DA4 encourages a mix of uses in this development area, including retail, café/restaurant and community uses. It is considered that the proposed café would complement and support the 24 hour office use and the new residents within the building, as well as future developments within the Strategic Allocation, and would help to enliven this side of Preston Road.
- 8.47 Given the shortfall of office floorspace proposed, it is considered that the floorspace dedicated to the café use should be restricted by condition, in order to prevent the future loss of any office space. In addition, the use of the commercial space for events and conferences should be ancillary to the office and café uses, and a condition should be imposed on this use as such.
- 8.48 The potential for the 24 hour commercial use to create noise disturbance to the existing and future residents is set out in the Environmental Health officer's response above. It is considered appropriate in this instance to apply conditions to a consent, requiring noise insulation details between the commercial and residential floors, restrictions on the sale and consumption of alcohol and on the hours of use of the external area outside the café.
- 8.49 **Impact on Amenity of Dyke Road Drive properties:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use 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.

- 8.50 The applicant submitted a Daylight and Sunlight report by Calford Seadon with the application, in accordance with the recommendations contained in BR209 Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and BS 8206-2. The report assesses the impact of the proposed development on the neighbouring properties which are located on Dyke Road Drive to the rear of the site, and on the Listed Park which contains an important historic rose garden located opposite the site. The Dyke Road Drive properties form a continuous terrace of residential properties and range in height from 2 to 4 storeys. They are in an elevated location when compared to the proposed ground floor level of the development.
- 8.51 The Guide to Good Practice states "privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m". The recommended separation distances are likely to vary and in most city centre locations be reduced depending on what is characteristic for the development surrounding the application site.
- 8.52 There would be a separation distance of between approximately 21 and 26 metres between the nearest properties on the south eastern side of Dyke Road Drive and the closest rear elevation of the proposal.
- 8.53 The report assessed the amount of daylight received at the nearest properties on Dyke Road Drive (no.19 - no.45 Dyke Road Drive) using Vertical Sky Component (VSC) and Daylight Distribution (DD) analysis. Using VSC it was found that 104 rooms would be unaffected by the proposal; 9 rooms would receive a negligible impact, and 28 rooms would receive a noticeable impact. The DD analysis showed that 134 habitable rooms would be unaffected and 7 habitable rooms would be noticeably affected, which represents a pass rate of 95%. Of these 7 rooms, 3 are bedrooms and 1 is a kitchen (which the consultant reports might be classified as non-habitable). The report concludes that these results are acceptable for an urban development.
- 8.54 In terms of the amount of sunlight likely to be received at the Dyke Road properties, the report states that the majority of the windows facing the development are within 90 degrees of due north. Those that do not are either unaffected or will meet the BRE guidance levels for annual probably sunlight hours. The rear gardens of the nearest Dyke Road Drive properties were also assessed for sunlight (overshadowing) and it was found that due to the orientation of the sun and the size of the existing buildings, the proposed development would make little change to the existing situation.
- 8.55 The Daylight and Sunlight Report was independently assessed on the Council's behalf during the course of the application by the BRE, who are considered to be the authority on Daylight and Sunlight assessment. The BRE advised that the Daylight Distribution analysis was likely to be inaccurate as the consultant

did not have data on all the internal layouts of the properties being assessed. However, the BRE advised that it is not reasonable to expect the consultants to have had access to all the properties and therefore some uncertainties are inevitable in such circumstances.

- 8.56 The BRE consider that the VSC calculations would be likely to give a reasonable assessment of the impact on the Dyke Road Drive properties. The BRE found that properties 28-42 and 44 Dyke Road Drive would all have at least one window with a loss of daylight outside the guidelines. Loss of light to the windows in nos. 28-30, 42 and 44 Dyke Road Drive would only be marginally outside the guidelines, and would be assessed as minor adverse. The worst affected properties would be nos. 33 to 40 Dyke Road Drive as they currently have an open view of sky which would be partly filled by the two westernmost towers of the new development. Here the loss of daylight would be assessed as moderate adverse.
- 8.57 The largest loss of light would be to number 36 where the living room would have a VSC of just under 7% with the development in place, 0.59 times the current value. Two other windows on the ground floor, to a dining room and kitchen, would lose around a third of their light (although the kitchen also has a sloping rooflight which would be less affected), and two first floor windows would lose around a quarter of their light (though one may light a bathroom). This could be assessed as a moderate to major adverse loss of light.
- 8.58 Therefore, the BRE assessment demonstrates that 8 properties are likely to be negatively affected by the proposed development in terms of loss of daylight. However, the site lies within an urban area and already has a 9 storey building on it. The site has lain vacant for approximately 30 years and there would be substantial public benefits with the delivery of this development. The proposed scheme would provide much needed housing including affordable rented units, A Class office space, the wider regenerative benefits of bringing this site into use and activating the street scene, and the applicant has committed to making the financial contributions and other measures set out in the s106 Heads of Terms at the end of this report. It is therefore considered that the identified harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 8.59 The BRE evaluation concurred with the Calford Seadon report in concluding that loss of sunlight to the Dyke Road Drive properties and rear gardens would not be an issue, due to the orientation of the sun and existing shadowing from the houses.
- 8.60 The potential for overlooking of and disturbance to the Dyke Road Drive properties from the proposed development was assessed looking at distances between windows, the number and position of balconies and habitable rooms in the proposed development, as well as the topography of the area and the level of the proposed communal gardens.

- 8.61 The balconies of the flats closest to Dyke Road Drive are positioned on the flank walls so that there would be a reduced potential to overlook neighbours in Dyke Road Drive. The distance from the nearest balconies to the Dyke Road Drive properties would be approximately 24m to 30m. The windows on the two end elevations facing the Dyke Road Drive properties are relatively small in size and are mainly secondary windows to habitable rooms. These windows would be a minimum distance of 20m from the nearest windows to properties in Dyke Road Drive. The Council's design guidance for extensions suggests a minimum separation distance of 14m between rear facing windows in order to avoid overlooking issues.
- 8.62 The communal gardens proposed would be positioned approximately 1m to 1.5m below the land levels at the end of the rear gardens in Dyke Road Drive, although land levels do vary within each garden therefore this is approximate only. Therefore the potential for overlooking between the proposed gardens and the Dyke Road Drive gardens is considered to be minimal.
- 8.63 On this basis it is considered that due to the distances between the Dyke Road Drive properties and the proposed development, the topography of the site, and the position and size of windows and balconies in the proposed development, there would not be an unacceptable degree of overlooking and the development would comply with retained Local Plan policy QD27.
- 8.64 Amenity of Proposed Residents:
The Daylight and Sunlight Report by Calford Seadon also assessed the levels likely to be received at the proposed flats. The daylight levels were assessed using the Average Daylight Factor (ADF). Of the 592 rooms assessed, 557 either meet the BRE guidance or are under to a negligible degree. The independent BRE evaluation of the results however identified that 62 rooms would not meet the daylight recommendations in the British Standard Code of Practice for daylighting, BS8206 Part 2. All 62 rooms are located in the lower 5 floors of the development and the first and second floors are the worst affected.
- 8.65 The BRE assessor recommended that the lower floors of the development be redesigned in order to improve the daylight levels, either by changing the room layouts or increasing the window sizes. In light of this the applicant submitted amended plans, increasing the window sizes in the flank walls of the development. This amendment is welcomed but was not reassessed by the BRE consultant.
- 8.66 Levels of sunlight received at the proposed flats were also assessed. The BRE evaluation reported there would be below standard levels of sunlight in most of the living rooms on the first and second floors. Again, the situation improves as you ascend the building. The main reason for the lack of sunlight received is the orientation of the site with its frontage facing northeast with existing buildings to the south blocking access to the sun. The BRE assessor concludes that a compensatory factor is that some of the rooms with little sunlight would have an attractive outlook onto Preston Park.

- 8.67 Another compensatory factor is that every flat would have a private balcony or terrace and all would have access to the private communal gardens to the rear of the site.
- 8.68 On balance, it is considered that the levels of amenity at the proposed flats would be acceptable and would accord with policy QD27.
- 8.69 Overshadowing impact on the Rose Garden
The Daylight and Sunlight Report also assessed the overshadowing impact of the development on the rose garden within Preston Park. The report concluded that there would only be transient overshadowing of the park and that the sunlight availability to this amenity space considerably exceeds the BRE guidance. The BRE assessor reported that, on 21 March, this part of the park would not be shadowed by the new development until after 1pm. Between 1pm and 2pm the shadow would start to encroach on the rose garden although only a small area would be shaded. At 3pm about a third of the rose garden would be in shadow and by 4pm all of the rose garden would be in shadow, although people could still sit in the sunshine in the café area and look out onto the garden. At 5pm the shadow would have moved round and would cover only half the garden. The shadow would not reach the café or encroach significantly on the wild flower meadow beyond it at any time on March 21. The BRE guidelines recommend that at least half of a park or garden should receive at least 2 hours of sunlight on March 21. The guidelines would therefore easily be met.
- 8.70 **Sustainable Transport:**
The applicant is proposing various pedestrian access points into the site directly from the footway on Preston Road. The proposed landscaping to the front of the property is appropriately broken up to allow various pedestrian entrance points to the site, whilst also ensuring an appropriate level of landscaping and a continuation of the street trees on both sides of Preston Road.
- 8.71 The main pedestrian access to the building is via a large recessed covered entrance to the Preston Road elevation; this provides a legible entrance for pedestrians. This access serves as the entrance to both the commercial units and residential element of the building. The main entrance is a shared café, reception and lobby. These access arrangements are welcomed by the Highway Authority in terms of permeability and enabling legible and direct pedestrian access to the site.
- 8.72 The applicant is intending to provide a total of 432 cycle parking spaces which is above the minimum standards. The Highway Authority has no objections to the cycle parking provision and welcomes the level of provision above the minimum standards. The Highway Authority would however look for further details as to the exact nature and spacing of the cycle parking to be secured via condition.
- 8.73 In light of the fact that cyclists are to be using the car park ramp as well as vehicles the Highway Authority would look for appropriate signage to be provided advising all road users that cyclists could be using the ramp. Further details of this signage should be secured via condition.

- 8.74 Based on the survey data the development of 229 apartments are expected to generate approximately 21 deliveries throughout the day. Whilst the commercial units are forecast to generate approximately 5 delivery vehicles a day. All servicing activity shall be accommodated within the development site in the shared surface pick up/drop off area. The applicant has undertaken a swept path analysis of a 10m ridged vehicle and a 10.5m long refuse vehicle to demonstrate that they can access and leave the site in a forward gear. The Highway Authority has no objections to the servicing arrangements but would recommend that a Delivery & Servicing Management Plan for the whole site which clearly demonstrates all the servicing arrangements, is produced and then adhered to.
- 8.75 Given the likely number of vehicles using the main access the design is considered appropriate but the detailed design shall be agreed with the Highway Authority through a Section 278 agreement. A secondary access is provided just to the south of the main access on Preston Road. This access is for entry only and leads onto a shared surface area to the front of the development and its use is intended for delivery vehicles, taxi pick-ups/drop-offs and refuse vehicles. In order to exit the site, vehicles entering this shared space area shall leave via the main access. The Highway Authority would look for details of (off highway) signage detailing the one way nature of this route and further details should be secured via condition.
- 8.76 Whilst the Highway Authority would have preferred all vehicle movements associated with the site to be focussed on a single vehicular access point to reduce the number of potential conflict points on a classified road, the proposed arrangement is not considered to warrant a reason for refusal and is deemed acceptable.
- 8.77 The applicant is providing 5 motorcycle parking spaces at basement level. This is welcomed by the Highway Authority however further details as to the nature of the motorcycle parking spaces should be secured via condition.
- 8.78 SPD14 requires that for residential schemes of 10 or more car parking spaces, 10% of the car parking provision should have electric vehicle charging and a further 10% of the total provision should have a passive provision to allow conversion at a later date. This can be conditioned.
- 8.79 For this development of 229 units (368 bedrooms) there is forecast to be 121 vehicles associated with the property. The applicant is proposing 115 car parking spaces which is broadly in line with the forecast levels of car ownership. In section 4.3.7 of the Transport Assessment the applicant states that they would look for the development to be permit-free meaning that future residents will not be able to obtain on-street residents parking permits and there would be no overspill into Controlled Parking Zones. The development should be secured as permit free via the suggested condition. The Highway Authority does not have any objections to the proposed level of car parking.
- 8.80 In order to forecast the potential trip generation of the proposals the applicant has used surveys within the TRICS database. The applicant has forecast that

the total number of person trips in the AM and PM peak is 192 and 184 respectively. The number of vehicle trips is considered to be 45 in the AM peak and 44 in the PM peak. The likely increase in trips is not considered to cause a significant increase in traffic levels which would warrant a refusal of planning permission.

- 8.81 To comply with the Brighton and Hove Local Plan 2005 policies TR7 and CP9 of the City Plan Part One and the Councils Guidance on Developer Contributions the applicant is expected to make a financial contribution towards sustainable transport and public realm improvements.
Total transport S106 contribution = £125,115
The S106 contribution shall go towards sustainable travel and public realm improvements in the vicinity of the site and to improve access for all, by all sustainable modes, to but not limited to Preston Park, local railway stations and other local amenities in accordance with policy TR7 of the Local Plan and policy CP9 of the City Plan Part One.
- 8.82 Due to the nature and scale of the development a Construction Management Plan is required. The Highway Authority would look for the need to produce a plan prior to commencement to be secured via a S106 agreement. The Construction Management Plan must include measures to mitigate the highway impact the construction will have. The plan shall include a clear construction plan with a timeline, likely delivery numbers and measures should include but not be limited to reducing deliveries and vehicle movements such as consolidating deliveries and advising deliveries of suitable routes to and from the site.
- 8.83 The applicant has not submitted a Travel Plan but has stated that it is envisaged that a full Travel Plan will be secured as part of the planning permission. The applicant has put forward some measures including that they intend to appoint a Travel Plan Co-ordinator and provide all residents with Travel Information Packs. The Highway Authority would look for the need to produce a Travel Plan as part of the S106 and that specific measures are provided in the Residential Travel Information Pack include:
- Provision of free grants towards the purchase of a bicycle (Value of £100, one per dwelling for the first occupants of each dwelling only)
 - Provision of Brighton & Hove bus season tickets (one annual bus pass per dwelling for the first occupants of each dwelling only)
 - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each dwelling only)
 - Provide local public transport, walking and cycling maps.
- 8.84 The Transport Officer's first response asked for changes to the car park layout in order to improve the circulation within the basement car park. The plans were amended and the transport officer considered that the changes made were acceptable, subject to the inclusion of the CPZ permit free condition and other mitigation in the form of Travel Plan measures.

- 8.85 This reduced the number of car parking spaces from 115 to 111 which the transport officer considers to be acceptable. Of the 111 spaces, 18 disabled car parking spaces (10 basement & 8 ground floor) would be provided.
- 8.86 Landscaping:
The Tree Officer raised objection to the loss of the protected Lime tree towards the rear of the site, which is the only remaining protected tree after the others were unlawfully felled in 2007. The Tree Officer also objects to the lack of space around the buildings for replacement planting.
- 8.87 However, the proposed landscaping plans demonstrate that the street frontage would have significantly increased soft landscaping, providing a line of Elm trees adjacent to the pavement, which would improve the site frontage and contribute to and extend the avenue of trees in this part of Preston Road. This would be a positive addition to the site frontage and would respect and enhance the verdant character of the Listed Park and Conservation Area opposite the site.
- 8.88 Whilst there would be limited space for tree planting to side boundaries there would be a significant area to the rear of the site beyond the foundations of the basement car park where additional tree planting is proposed to supplement the existing trees along the rear boundary.
- 8.89 The Tree Officer recommends a number of conditions to protect the existing trees during and after construction, should the application be approved.
- 8.90 The County Ecologist advised that the loss of habitats is acceptable given the proposed compensatory planting including a biodiverse roof, lawn edges seeded with meadow turf mixture, tree planting including disease resistant elms, native hedge and woodland planting, and shrub and ornamental planting including species of known wildlife value. Retained trees should be protected in accordance with BS5837:2012. As the buildings and two trees retain the potential to support roosting bats, it is recommended that a precautionary approach is taken to demolition and felling. The site supports a low population of slow worms which will need to be translocated to a suitable receptor site in consultation with Brighton and Hove's City Parks department.
- 8.91 The site has the potential to support breeding birds, including the peregrine falcon. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting opportunities should be provided to mitigate for any loss of habitat.
- 8.92 Opportunities for enhancement include the provision of a green roof, the use of species of known value to wildlife within the landscaping scheme, and the provision of bird boxes. Provided the recommended mitigation measures are implemented, the County Ecologist advises that the proposed development is

unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.

8.93 Sustainability:

The energy strategy for the scheme as detailed in the 'Energy and Sustainability Statement', includes a site energy centre with gas CHP plant providing heat and power through a site wide communal heating system, backed up with communal gas boilers. These are predicted to exceed the minimum 19% improvement required by City Plan Policy CP8. Both the café and the office elements are targeting BREEAM 'excellent' which is welcomed.

The Energy and Sustainability Statement commits at paragraph 4.8, to accommodating future connection to heat networks in the area which is welcomed and should be conditioned to comply with policy CP8.

8.94 The energy performance that has been targeted is high and beyond that required through policy. A low carbon technological solution has been proposed and therefore the absence of renewables is acceptable in this instance. However, given that the energy needs for electricity in the scheme are high, and policy seeks renewables, in order to future proof the development it is recommended that the applicants ensure that there are some roofs that are retrofit ready for solar technologies for future installation, which should be secured via a condition. To mitigate heat island effect, there is widespread landscaping and planting throughout the development including an additional 15 trees, as well as proposals for extensive green roofs covering a total area of 2396m².

8.95 The scheme is considered to meet the Council's sustainability objectives and policy requirements, subject to the adherence to the proposals, which should be secured via conditions attached to a consent.

8.96 Air Quality:

The Air Quality Officer recommends approval of the planning application, subject to mitigation measures. Whilst there is not a direct impact to human health in terms of air quality, the completed build will generate additional vehicle movements which have the potential to impact the Air Quality Management Area (AQMA) to the North and South of the scheme. Given the indirect impact, there is a requirement for the applicant to implement numerous mitigation measures to address the acceptability and future proofing of the build. These measures will be secured by conditions (electric vehicle charging within the car park, BREEAM requirements, low emission boilers, green roofs, soft landscaping, elevated flues) and through a s106 agreement (a robust Travel Plan and Construction Environmental Management Plan (CEMP)).

9. EQUALITIES

9.1 The main pedestrian entrance is level with the landscaping to the front of site and the road; it is fully accessible to all and disabled WCs are provided for the café. The vehicle gated entrance is also level, allowing it to act as part of one of the emergency escape routes. The entrances to the building from the basement car parks also provide level access.

9.2 Lifts provide vertical access to all floors and level access is provided to all communal amenity areas and to all private balconies. Gradients within the amenity areas and doors and corridors in communal areas and within units are designed to meet the requirements of Building Regulations Part M.

9.3 **Heads of Terms for a Section 106 Legal Agreement**

The applicant has agreed to provide the following, should the application be approved:

- Open Space, Recreation and Indoor Sport: £592,664 towards improvements in Preston, Dyke Road and Blakers Parks, and Withdean Sports Complex and Prince Regent Swimming Complex.
- Education: £397,780 towards nursery (various nurseries in the locality and/or start-up funding for a new provider), primary (Stanford Infant and Junior Schools, St Bartholomew's CE Primary, Downs Infant and Junior Schools and St Bernadette's C E Primary School) and secondary education (Dorothy Stringer and Varndean Schools).
- Transport: £125,115 towards sustainable travel and public realm improvements in the vicinity of the site and to improve access for all, by all sustainable modes, to but not limited to Preston Park, local railway stations and other local amenities.
- Public Realm Enhancement £120,000
- Local Employment Scheme £69,900
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase
- Travel Plan
- S278 agreement
- Construction Environmental Management Plan
- Affordable Housing: On site provision of 17no. affordable rent units and 13no. shared ownership units. Of these, 50% will be 1 bed units and 50% will be 2 bed units.
- Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.

