

<b><u>No:</u></b>	<b>BH2018/02607</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Greater Brighton Metropolitan College Pelham Street Brighton BN1 4FA</b>		
<b><u>Proposal:</u></b>	<p>Hybrid planning application comprising: Full Planning application Site A (West of Pelham Street): External alterations and internal refurbishment to the existing college building and redevelopment of the existing car park to provide 3 storey extensions to the existing college (D1 use), disabled parking spaces with new vehicular access, cycle parking spaces, open space and landscaping.</p> <p>Outline Application Site B (East of Pelham Street): Demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at maximum 6 storeys with associated new and relocated vehicular accesses, car and cycle parking (with all matters reserved except access, external layout and scale).</p>		
<b><u>Officer:</u></b>	Sarah Collins, tel: 292232	<b><u>Valid Date:</u></b>	23.08.2018
<b><u>Con Area:</u></b>	Adjoining North Laine and Valley Gardens Conservation Areas	<b><u>Expiry Date:</u></b>	22.11.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	17.12.2018
<b><u>Agent:</u></b>	Mr Huw James Brooklyn Chambers 11 Goring Road Worthing BN12 4AP		
<b><u>Applicant:</u></b>	Greater Brighton Metropolitan College C/O ECE Planning Limited Brooklyn Chambers 11 Goring Road Worthing BN12 4AP		

## 1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 27th March 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.8 of this report:

### **S106 Heads of Terms**

#### **Site A**

- Measures to satisfactorily address transport impacts.
- Travel Plan (Educational).
- CEMP (Construction Environmental Management Plan) to include a temporary parking scheme.

- S278 highway works to include improvements to Redcross St in order to provide safe access for the anticipated pedestrian and cyclist movements into and out of the site.
- A Walkways Agreement securing public access daily between 7am and 10pm to the open space and between the proposed entrances on Pelham St, Redcross St and Whitecross St.
- Artistic Component – on site provision to the value of £86,000.
- Employment and Training Strategy – requirement to use at least 20% local labour in the construction of the development.
- Viability Review - in order to provide a commuted sum to the Council towards off-site affordable housing provision, should the financial viability of the scheme allow for this.

#### Site B

- Review of contributions (sustainable transport, open space, education and economic development) required if the number and mix of units in the related Reserved Matters application alters from: 131 units of mix 8 no. studio, 56 no. 1bed, 60 no. 2bed and 7 no. 3bed.
- Measures to satisfactorily address transport impacts.
- Travel Plan (Residential).
- DEMP (Demolition Environmental Management Plan).
- CEMP (Construction Environmental Management Plan).
- S278 highway works – including works required by the two vehicular accesses proposed and pedestrian improvement works to Trafalgar Court.
- Open Space Contribution - £226,854.95.
- Education Contribution - £92,659.20 towards the cost of secondary provision for Varndean and/or Dorothy Stringer Schools.
- Economic Development Contribution – £39,100.
- Employment and Training Strategy – requirement to use at least 20% local labour in the construction of the development.

#### Conditions:

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	6301-ECE-01-01-ST-A 0000	A1	10 August 2018
Illustrative Masterplan	1923-TF-00-DR-L-1001	P02	16 October 2018
Proposed Site Block Plan	6301-ECE-01-00-ST-A-0004	A2	16 October 2018
Existing & Proposed Site Section AA	6301-ECE-01-ZZ-ST-A-0010	A1	10 August 2018

Existing & Proposed Site Section BB	6301-ECE-01-ZZ-ST-A-0011	A1	10 August 2018
Site A Landscape Proposals	1923-TF-00-00-DR-L-1002	P04	16 October 2018
Site A Cycle Parking Provision	1923-TF-V4-00-DR-L-1003	P03	16 October 2018
Site A Indicative sections/elevations	1923-TF-00-00-DR-L-5001	P03	16 October 2018
Site A Plant Palette – Part 1	1923-TF-00-00-SH-L-3001	P03	16 October 2018
Site A Plant Palette – Part 2 – planting bed against college building			10 August 2018
Site A Plant Palette – Part 3 – East-West tree bed and Pelham St and Whitecross St pavement beds			10 August 2018
Site A Plant Palette – Part 4 – south of Whitecross St steps			10 August 2018
Site A Proposed Ground Floor	6301-ECE-01-00-GA-A-0300	A2	13 November 2018
Site A Proposed First Floor	6301-ECE-01-00-GA-A-0301	A1	10 August 2018
Site A Proposed Second Floor	6301-ECE-01-00-GA-A-0302	A1	10 August 2018
Site A Proposed Third, Fifth, Ninth & Tenth Floors	6301-ECE-01-00-GA-A-0304	A1	10 August 2018
Site A Proposed Roof Plan	6301-ECE-01-00-GA-A-0303	A1	10 August 2018
Site A Bay Study of West Elevation – Whitecross St	6301-ECE-01-ZZ-DT-XX-2102	A2	10 August 2018
Site A Bay Study of West Wing Courtyard Elevation	6301-ECE-01-ZZ-DT-XX-2103	A2	10 August 2018
Site A Bay Study of East Elevation – Pelham St	6301-ECE-01-ZZ-DT-XX-2104	A2	10 August 2018
Site A Bay Study of East Wing Courtyard Elevation	6301-ECE-01-ZZ-DT-XX-2105	A2	10 August 2018
Site A Existing & Proposed Site North Elevation	6301-ECE-01-ZZ-ST-A-0006	A1	10 August 2018
Site A Existing &	6301-ECE-01-ZZ-ST-A-0007	A2	10 October 2018

Proposed Site East Elevation			
Site A Existing & Proposed Site South Elevation	6301-ECE-01-ZZ-ST-A-0008	A2	10 October 2018
Site A Existing & Proposed Site West Elevation	6301-ECE-01-ZZ-ST-A-0009	A2	10 October 2018
Site A Existing & Proposed Site Section AA	6301-ECE-01-ZZ-ST-A-0010	A2	10 October 2018
Site A Proposed Inner East & West Elevations	6301-ECE-01-ZZ-GA-A-0614	A2	10 October 2018
Site A Proposed West Elevation	6301-ECE-01-ZZ-GA-A-0613	A2	10 October 2018
Site A Proposed South Elevation	6301-ECE-01-ZZ-GA-A-0612	A2	10 October 2018
Site A Proposed East Elevation	6301-ECE-01-ZZ-GA-A-0611	A2	10 October 2018
Site A Proposed North Elevation	6301-ECE-01-ZZ-GA-A-0610	A1	10 August 2018
Site B Site Servicing Diagram	6301-ECE-02-xx-GA-A-1101	B	16 November 2018
Site B Proposed Storey Height Diagram	6301-ECE-02-XX-GA-A-1103	C	26 November 2018

#### SITE A

2. The Site A 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. a) Prior to commencement of development on Site A including demolition, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval.  
  
If any asbestos containing materials are found, which present significant risk/s to the end user/s then  
b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

**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.

4. Prior to the commencement of development on Site A, in line with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice, the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;  
and if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

AND

(c) The development permitted shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

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

- i) built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress;
- iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

**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.

5. If during development of Site A, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the potential contaminants.

Asbestos containing materials (ACM) within the ground and buildings are a contaminant of concern. Any desk top study and site investigation must fully incorporate ACM into the conceptual site model with any significant risks and pollutant linkages noted and risk assessed.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

6. The development hereby permitted on Site A shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage and Flood Risk Assessment received on 10th August 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design and management and maintenance plan.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

7. Prior to the commencement of development on Site A, an ecological design strategy (EDS) addressing enhancement of the site for biodiversity shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To provide a net gain for biodiversity in line with Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraphs 170 & 175 of the National Planning Policy Framework 2018.

8. Prior to the commencement of development hereby approved, evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- 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;
- A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the 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.
- 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 CP8 and DA4 of the Brighton & Hove City Plan Part One.

9. Prior to the commencement of the development of site A (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/ CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

10. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Site A, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

11. Prior to the commencement of the development of Site A (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an

arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Specific issues to be dealt with in the TPP and AMS include:

- Location and installation of services/ utilities/ drainage.
- Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- Details of construction or demolition within the RPA or that may impact on the retained trees.
- A full specification for the installation of boundary treatment works.
- A full specification for the construction parking areas including details of the no-dig specification and extent of the areas of the parking areas to be constructed using a no-dig specification where possible. Details shall include relevant sections through them. Methodology and detailed assessment of root pruning should also be submitted, if required.
- A specification and plan for protective fencing to safeguard trees during both demolition and construction

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

12. Prior to the commencement of the development of Site A (including demolition and all preparatory work) a pre-commencement meeting shall be held on site and attended by the developer's appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Items to be discussed:

- 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.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

13. Within 6 months of the commencement of development of Site A, landscaping details shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping details shall be implemented accordingly in the first planting season after completion or prior to the occupation of the College extensions, whichever is the sooner. The details shall include the following:

- i) all hard and soft surfacing to include type, position, design, dimensions and
- ii) materials and any sustainable drainage system used;
- iii) a schedule detailing species, sizes and numbers/densities of all proposed
- iv) trees/plants including details of tree pit design, underground modular systems use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period; any use of these within the RPA's of retained trees should be specified, and
- iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Replacement planting shall be in accordance with the approved landscaping scheme submitted for this condition.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

14. Within 6 months of the commencement of development of Site A, details of the perimeter gates and fencing and any other boundary treatments at scale 1:20, including their height, design, materials and durability, including lockable gates and designed to inhibit climbing and graffiti where it adjoins a highway, shall be submitted to and approved in writing by the LPA. The boundary treatments shall be implemented and installed in accordance with the approved details prior to occupation of the development.

**Reason:** The perimeter gates and fencing will be prominent in the street scene and visible from the North Laine Conservation Area and are required to secure the open space and the college at night, therefore they need to be both functional and of an attractive appearance, to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

15. Within 6 months of the commencement of development of Site A, signage detailing the opening times of the open space shall be submitted to and approved in writing by the LPA. The approved signage shall be installed accordingly prior to the occupation of the extensions to the college building.

**Reason:** To comply with policies CP9 and CP13 of the Brighton & Hove City Plan Part One.

16. Within 6 months of the commencement of development of Site A, details of the mechanism(s) for preventing vehicles from entering the open space via Redcross Street, whilst allowing access to emergency vehicles, shall be submitted to and approved in writing by the LPA. The approved mechanism(s) shall be implemented accordingly prior to the occupation of the extensions to the college building.

**Reason:** In the interest of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

17. Notwithstanding the plans hereby approved, within 6 months of the commencement of development of Site A, a Cycle Parking Scheme providing a minimum of 118 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be implemented accordingly prior to the occupation of the extensions to the college building and maintained thereafter. The scheme shall include the allocation of cycle spaces for staff, residents and visitors, details of shower and changing room facilities within the college building, detailed drawings of cycle parking areas including types of stands, spacing between stands, and details of entrances to stores including opening assistance and security measures.

**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.

18. No development above ground floor slab level of any part of the development hereby permitted on Site A 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, grouting, 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 and door 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 QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

19. No development above ground floor slab level of any part of the development hereby permitted on Site A shall take place until detailed section and gradient drawings of the open space and accessible parking area, demonstrating compliance with the requirements of the Ramped Access provisions of section 1.26 of Approved Document M Volume 2 ('Access to and Use of Buildings other than Dwellings') have been submitted to and approved in writing by the Local Planning Authority. Details shall include section drawings of the steps and details of level access into the building and from the adjoining highways. The development shall be implemented in accordance with the approved details.

**Reason:** To secure safe, suitable and inclusive access for pedestrians to comply with Brighton & Hove Local Plan policies TR7, TR14, TR18 and City Plan Part One policies CP9, CP12 and CP13.

20. Prior to the occupation of the college extensions on site A a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details, and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

21. Prior to the occupation of the college extensions a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include –

- (i) details of the types of vehicles that will deliver to and service the site, their purpose, and the anticipated frequency of their movements
- (ii) details of how delivery and service vehicle movements will take place and be managed, including routes, where vehicles will wait to load/unload, how goods and containers will be conveyed between vehicles and building accesses without obstructing the highway or compromising safety for users of the highway, and details of actions that will be taken to secure compliance. Both deliveries and the measures to prevent unauthorised use of delivery and servicing areas shall thereafter be carried out in accordance with the approved Plan.

**Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies QD27 and TR7 of the Brighton & Hove Local Plan.

22. Within 6 months of the commencement of development of Site A, details of the photovoltaic panels on the roof of the building shall be submitted to and approved in writing by the Local Planning Authority and shall be installed accordingly prior to the occupation of the extensions to the college and maintained thereafter.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

23. Within 6 months of the commencement of development of Site A, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The buildings should be designed to achieve standards in line with, WHO guidelines for Community Noise (1999), BS8233 Sound Insulation and Noise Reduction in Buildings(2014) and BB93 (2014) Acoustic Design in Schools. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. Any external plant is to be free from any low frequency tones that are likely to attract complaints. A scheme of testing to be carried out post construction but prior to occupation to demonstrate that the standards are met. The measures shall be implemented in

strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

24. Within 6 months of occupation of the extensions to the college building a BREEAM Building Research Establishment Post Construction Review Certificate confirming that the development has achieved a minimum BREEAM New Construction rating of Very Good, shall be submitted to and approved in writing by the Local Planning Authority.

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

25. Access to the flat roof over the extension hereby approved at Site A shall be for maintenance or emergency purposes only and the flat roof shall not be used as an amenity area.

**Reason:** In order to protect nearby neighbours from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

26. The barrier to the disabled parking area at the vehicular entrance shall remain permanently open when the adjacent open space is open.

**Reason:** In order to prevent vehicles entering the site from causing unnecessary obstruction within the highway, in the interest of highway safety.

27. Prior to the occupation of the extensions to the college building:

- (i) the on-site car park for 3 accessible parking spaces accessed from Pelham St shall have been completed and made available; and
- (ii) a Car Parking Management Plan detailing, inter alia, how the spaces will be allocated amongst staff and students and the car park managed, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and managed in accordance with the approved plans and Car Park Management Plan.

**Reason:** In order to ensure that the parking is managed in line with the principles of CP9 of the City Plan Part One and SPD14 and that appropriate facilities for mobility impaired drivers are secured to comply with Brighton & Hove Local Plan Policy TR18.

28. Prior to the occupation of the extensions to the college building, a noise management plan (NMP) for Site A shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- a) restrictions on plant and equipment operation,
- b) restrictions on events and the use of amplified music or public address systems (within the building and the open space), and
- c) the opening times of the café/restaurant.

The aim of the plan should be to avoid noise nuisance during the day and should provide that during opening hours of the open space, security staff will patrol the public outdoor space and take steps to minimise noise nuisance. The approved NMP shall be implemented and maintained accordingly.

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

29. The car park approved on Site A shall be used for parking by staff, student and visitors who are blue-badge holders for the purpose of accessing the site only.

**Reason:** In order to ensure that the parking is managed in line with the principles of CP9 of the City Plan Part One and SPD14 and that appropriate facilities for mobility impaired drivers are secured to comply with Brighton & Hove Local Plan Policy TR18.

30. Threshold drainage: No part of the site A development hereby approved shall discharge surface water onto the public highway unless otherwise approved in writing by the Local Planning Authority.

**Reason:** In the interest of public safety and to comply with Brighton & Hove Local Plan policy TR7.

31. Within 6 months of the commencement of development of Site A, details of all doors to the college building, demonstrating accessible, level and automated opening entrances, shall be submitted and approved in writing by the Local Planning Authority. The approved details and doors shall be installed accordingly prior to the occupation of the extensions to the college building.

**Reason:** To secure safe, suitable and inclusive access for pedestrians to comply with Brighton & Hove Local Plan policies TR7, TR14, TR18 and City Plan Part One policies CP9, CP12 and CP13, and SPD14: Parking standards.

32. The open space and car park on Site A hereby permitted shall not be open or in use except between the hours of 7am and 10pm.

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

33. Where life safety plant is included on Site A, the operation and testing should minimise any impact on either site users or adjacent residents. Audible external tests may take place between the hours of 8am & 6pm once per month on a weekday for up to an hour.

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

34. No deliveries or refuse collections shall take place on site A except between the hours of 7am and 7pm on Mondays to Saturdays and not at any time on Sundays or Public Holidays.

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

35. External lighting for site A should be designed and positioned to:

- Be the minimum required to perform the relevant lighting task;
- Minimise light spillage and pollution;
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas, and
- Avoid dazzle or distraction to drivers on nearby highways.

Any external lighting designs must have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011,) for zone E, or similar guidance recognised by the council. The Delta Green report (Revision P2 23rd), July 2018 lighting design specification is to be installed and certification on completion provided, by a competent person to show that the lighting installation complies with guidance to produce no nuisance to adjacent receptors. The main lighting to be extinguished and minimum safety lighting to be provided between the hours of 10pm and 7am.

**Reasons:** To protect the amenity of future occupants and/or neighbours and to protect wildlife and to comply with policies SU9, QD18, QD25 and QD27 of the Brighton & Hove Local Plan.

36. The Site A building shall only be used for D1 education provision only with ancillary restaurant/café uses as shown on the approved plans and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town

and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and the education aspirations for the City and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.

#### SITE B

37. The development of Site B must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

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

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

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

39. Prior to the demolition of buildings on or the decanting of students from Site B, the development hereby approved on Site A, including the internal and external alterations hereby approved, shall be completed and ready for occupation.

**Reason:** To ensure the continuity of provision of college facilities and to comply with policy CP21 of the Brighton & Hove City Plan Part One and policy HO20 of the Brighton & Hove Local Plan.

40. No development, including demolition and excavation, shall commence until a Site Waste Management Plan for Site B, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

41. a) Prior to commencement of development on Site B including demolition, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval.

If any asbestos containing materials are found, which present significant risk/s to the end user/s then

- b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

**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.

42. Prior to the commencement of development on Site B, in line with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice, the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;

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

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

AND

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

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

- i) built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress;
- iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

**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.

43. The development hereby permitted on Site B shall not be commenced (other than demolition works and works to trees) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage and Flood Risk Assessment received on 10th August 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and maintained in accordance with the approved detailed design and management and maintenance plan.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

44. If during development of Site B, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the potential contaminants.

Asbestos containing materials (ACM) within the ground and buildings are a contaminant of concern. Any desk top study and site investigation must fully incorporate ACM into the conceptual site model with any significant risks and pollutant linkages noted and risk assessed.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

45. Notwithstanding the plans hereby approved, no development shall take place on Site B until both:

- (i) details of car and motor cycle parking facilities which shall incorporate 10 or more accessible parking spaces, 2 or more motorcycle parking spaces, and no more than 16 parking spaces overall; and
- (ii) a Car Parking Management Plan which details how parking spaces will be allocated, secures accessible parking spaces for disabled residents or workers, details how rapid charging points are to be made available (including bringing the passive provision into use)

have been submitted to and approved in writing by the Local Planning Authority. The parking shall thereafter be implemented, managed and maintained in

accordance with the approved details and plan with no parking occurring on-site other than in the approved locations.

**Reason:** In order to secure parking facilities for mobility impaired people to comply with Brighton & Hove Local Plan policy TR18 and SPD14: Parking Standards and to ensure that parking is provided and managed in line with the principles of CP9 of the City Plan Part One and SPD14.

46. Within 6 months of the commencement of development on site B a cycle parking scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include: number of spaces for residents and visitors, types of stands, detailed layouts of stores and other parking areas including spacing between stands, and details of entrances to stores including opening assistance and security measures. Thereafter the cycle parking facilities shall be implemented, managed and maintained in accordance with the approved Scheme.

**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.

47. Prior to the commencement of development on Site B, an ecological design strategy (EDS) addressing enhancement of the site for biodiversity shall be submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- d) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- e) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To provide a net gain for biodiversity in line with Section 40 of the Natural Environment and Rural Communities Act 2006 and paragraphs 170 & 175 of the National Planning Policy Framework 2018.

48. Within 6 months of the commencement of development of Site B a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The buildings should be designed to achieve standards in line with ProPG guidance for new housing, and BS8233 Sound Insulation and Noise Reduction in Buildings(2014). Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. Any external plant is to be free from any low frequency tones that are likely to attract complaints. A scheme of testing to be carried out post construction but prior to occupation to demonstrate that the standards are met. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

49. Prior to the occupation of the residential properties on site B a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details, and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

50. Hedges or shrubs within the planting areas fronting onto Cheapside shall be pollution tolerant species (that can cope with nitrogen, dust and salt) and have an ongoing maintenance strategy. It is advisable that roadside green plants are established after the majority of construction vehicle movements have passed.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to help reduce the local effects of air pollution and to comply with policies QD15 and SU9 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

51. External lighting for Site B should be designed and positioned to:

1. Be the minimum required to perform the relevant lighting task.
2. Minimise light spillage and pollution.
3. Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
4. Avoid dazzle or distraction to drivers on nearby highways.

Any external lighting designs must have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011,) for zone E, or similar guidance recognised by the council. Certification on completion of the lighting installation is to be provided by a competent person to show that it complies with guidance to produce no nuisance to adjacent receptors.

**Reason:** To protect the amenity of future occupants and/or neighbours and to protect wildlife and to comply with policies SU9, QD18, QD25 and QD27 of the Brighton & Hove Local Plan.

52. Within 6 months of commencement of the development of Site B, a scheme shall be submitted to the Local Planning Authority for approval 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 approved scheme shall be implemented before occupation.

**Reason:** This 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 and SPD14: Parking Standards.

53. Threshold drainage: No part of the site hereby approved shall discharge surface water onto the public highway.

**Reason:** In the interest of public safety and to comply with Brighton & Hove Local Plan policy TR7.

54. 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.

55. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

56. The reserved matters application required by Condition 38 shall include details of an acoustic report which contains details of how the Residential Buildings submitted at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and meet the "good" levels in British Standard 8233. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

57. The reserved matters application required by Condition 38 shall include a daylight and sunlight report which shall contain details of the levels of daylighting and sunlighting to all habitable windows in the buildings and to all external areas on Site B in accordance with the BRE Site Layout Planning for Daylight and Sunlight A Guide to Good Practice and BS8206-2:2008 Lighting for Buildings Part 2: Code of Practice for daylighting.

**Reason:** To provide adequate levels of daylight and sunlight for the future occupiers of the buildings and to inform the landscaping scheme and to comply with policies QD27 of the Brighton & Hove Local Plan and policies CP8, CP10, CP13 and CP14 of the Brighton & Hove City Plan Part One.

58. The reserved matters application required by Condition 38 shall include a Delivery and Servicing Management Plan which shall include - (i) details of the types of vehicles that will deliver to and service the site, and the anticipated frequency of their movements (ii) details of how delivery and service vehicle movements will take place and be managed, including routes, where vehicles will waiting to load/unload how goods and containers will be conveyed between vehicles and building accesses without obstructing the highway or compromising safety for users of the highway, and details of actions that will be taken to secure compliance.

**Reason:** In order to ensure that the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies QD27 and TR7 of the Brighton & Hove Local Plan.

59. The reserved matters application required by Condition 38 shall include details of the ventilation system for the properties that front onto Cheapside including

external flues and plant equipment and demonstrating that the ground and first floor windows of the properties that front onto Cheapside within the residential development (Site B) shall be hermetically sealed.

**Reason:** In order to minimise exposure to pollution for future occupiers of the residential development with frontage onto Cheapside, to safeguard the visual appearance of the development and nearby heritage assets, and to comply with policies SU9, QD27, HE3 and HE6 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

60. The reserved matters application required by Condition 38 shall include an energy and sustainability report that shall include scoping the use of renewable energy technology and green roofs or walls at the development.

**Reason:** In order to meet sustainability objectives, and to comply with policies DA4, CP8 and CP10 of the Brighton & Hove City Plan Part One.

61. Any Ultralow NOx boilers within the development shall have NOx emission rates of <30 mg/kwh.

**Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

62. At least 50% of all parking spaces shall be provided with electromotive charging points that are electromotive ready.

**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use, NOx, particulate and greenhouse gas emissions, particularly given the nearby AQMA, and to comply with policy SU9 of the Brighton & Hove Local Plan, policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

63. HGVs used for demolition and construction of the development shall be minimum euro-VI emission standard.

**Reason:** To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

64. At least 5% of the dwellings on Site B 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 dwelling(s) 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.

**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.

65. During the construction phase, the developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance Improving Air Quality Reducing Emissions from non-road mobile machinery.

**Reason:** to avoid emission impacts on high levels of nitrogen dioxide recorded in the vicinity of London Road (A23 general traffic northbound)

66. Within 6 months of the commencement of development on Site B, details of the gated accesses to the development shall be submitted to and approved in writing by the LPA. The vehicular access gates shall be set a minimum of 6 metres into the site from the carriageways in order to prevent obstruction in the road by vehicles waiting to enter the site. There should be separate gates for pedestrian access.

**Reason:** To ensure the safe operation of the highway and pedestrian safety, and to protect the visual amenities of the locality, and to comply with policies TR7 and QD5 of the Brighton & Hove Local Plan and policies CP9 and CP13 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to consider the security recommendations made by Sussex Police in their response to this application dated 14<sup>th</sup> September 2018.
3. The applicant should note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission the shorter of the two periods will apply.

## **2. SITE LOCATION**

- 2.1 The application site comprises a 1.18 hectare site which contains Pelham Tower and car park on the west side of Pelham St (Site A) and Cheapside, York, and

Trafalgar buildings on the east side of Pelham St (Site B). The site is in use by Greater Brighton Metropolitan College (GBMET) for educational purposes.

- 2.2 Pelham Tower is a 1960's block which is 12 storeys and has a surrounding three storey podium which measures approximately 51 metres by 56 metres. Pelham Tower is accessed through a glazed entrance directly from Pelham Street. The materials are brick with steel window frames. The surface car park to the south is accessed from Whitecross St and is surrounded by metal fencing. It accommodates 118 car parking spaces which are allocated to staff.
- 2.3 The buildings on Site B vary in height up to 3 or 4 storeys, which is more akin to 5 or 6 storeys residential because of the large floor to ceiling heights. They are mostly faced in red brick and a glazed entrance connects the Cheapside and Trafalgar buildings on the Pelham St frontage. There is vehicular access from Cheapside through an undercroft. The three significant buildings on this site, Trafalgar, Cheapside and York were developed between 1893 and 1938 as part of the school which occupied the site and have been supplemented by workshops, halls, 'temporary' classrooms and storage sheds.
- 2.4 Site A is bounded by Whitecross St to the west, Cheapside to the north, Pelham St to the east and Redcross St, 1 and 2 Whitecross St, 87-97 Trafalgar St, and 1 and 2 Pelham St to the south. Site B is bounded by Pelham St and The Sanctuary and The Foyer residential blocks to the southwest, Cheapside to the north, 8-31 York Place and St. Peter's House to the east, and the college's Gloucester building, no.5 Trafalgar Ct, and Trafalgar Ct to the south.
- 2.5 An arched entranceway of brick with limestone spacers is present at 15 York Place, close to the eastern boundary of Site B. It has three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The archway has an ornate gate which is locked preventing access to Site B.
- 2.6 The site is in a highly accessible sustainable location: it is approximately 350 metres walking distance from Brighton Station, immediately to the north of the North Laine shopping centre and within 100m of the London Road shopping centre which lies to the northeast. The site is also close to some main bus routes including the Lewes Road and Preston Road bus routes from York Place and City Centre bus routes from Trafalgar St and Brighton Station. The site lies within Development Area 4 (DA4) of the City Plan Part One (CPP1). Valley Gardens Conservation Area bounds Site B to the east and North Laine Conservation Area bounds both sites to the south.

### **3. PURPOSE OF THE APPLICATION**

- 3.1 The application submissions provide a summary of the College's estates strategy and the purpose of this application, which is relevant in terms of viability considerations and to understand the need for the sale of Site B to enable the development of Site A, and what the development of Site A is intended to deliver.

- 3.2 Greater Brighton Metropolitan College (The MET) was formed in 2017 from the merger of City College Brighton and Hove and Northbrook College Sussex. The merger was an outcome of the Government's Area Review process, designed to ensure that colleges could continue to deliver education and skills to their local communities whilst remaining financially viable. The MET has committed to retaining its five main campuses. Four of these, West Durrington and Broadwater in Worthing, Shoreham Airport, and the East Brighton Campus in Wilson Avenue, have received significant recent investment. The Central Brighton Campus on Pelham Street, however, has suffered from a number of failed schemes over the past 25 years, primarily because they were overambitious, reliant upon government funding that has fallen away, and is in need of significant investment if it is to continue to meet the education, training and skills needs of the City and City Region.
- 3.3 The College has reviewed all options to update and make its facilities fit for purpose on the Pelham Campus. The MET is not able to borrow money on a long-term basis to support any redevelopment, as bank finance was maximised at the point of merger. A detailed options analysis was completed which shows that the most cost effective approach is to retain and refurbish the existing tower, while addressing and updating the existing facilities, rather than to build entirely new facilities or to relocate. In addition to the tower, the College utilises a number of other buildings located on the East side of Pelham Street (the Cheapside/Trafalgar complex) which are unfit for purpose, have poor energy performance and cannot be economically improved. Although their floor to ceiling heights are high, they are not high enough to provide mezzanine floors in a conversion and would be inefficient and costly to convert to another use.
- 3.4 On this basis, a scheme has been developed to sell the Cheapside/Trafalgar complex, which will raise proceeds towards the extension of the college building on Site A into the car park, and the consolidation of the college buildings onto one site. There would be an overall net loss of college floorspace but no fewer staff or students at the site, achieved by a more efficient layout and fit for purpose facilities within the extended and refurbished college building. Proposals include a new Centre for Creative and Digital Industries and a 'shop front' for the service industry curriculum, with ground floor access to hair and beauty services and a café.
- 3.5 The College has secured a £5m grant (growth fund) from the LEP (Local Enterprise Partnership), which is the maximum amount available, but this alone is not enough to cover the cost of the Site A proposals. The Viability Report submitted with the application advises that even with the £5m grant and the expected proceeds from the land disposal (Site B), the cost of the Site A proposals would not be covered and there would still be a deficit. Therefore the refurbishment of the existing tower (Pelham Tower) and podium will be limited by this financial position and even the maximum possible receipt from the sale of Site B will not allow for a full refurbishment of the tower, or to undertake work to improve the exterior of the building.

- 3.6 The College plans to undertake this work as a later phase (or phases), aligned with potential future funding opportunities or once a proportion of its existing debt has been paid down.
- 3.7 A concurrent application has been submitted by the College for the conversion of the locally listed Gloucester Building from education use into 2no. 3bed residential units immediately to the south of this application site.

#### **4. APPLICATION DESCRIPTION**

- 4.1 The application is a hybrid application (full application for Site A and outline application for Site B).
- 4.2 Site A proposals (Full):  
External alterations: Additional and larger windows, a new entrance and canopy are proposed for the publicly accessible restaurant on the corner of Cheapside and Whitecross St.
- 4.3 Internal alterations are proposed to the ground floor, 1st, 2nd, 3rd, 5th, 9th and 10th floors.
- 4.4 3 storey extensions on the south side of the college building on the existing surface car park, to provide 2957sqm additional floor space to the existing college (D1 use):
- Eastern wing comprises seven hair and beauty salons, storage, WC's and offices
  - Western wing comprises flexible art studios and ICT suites
  - Central atrium and slot creates the new main entrance to the college building and reception area with circulation above to the two wings and café
- 4.5 The existing main pedestrian entrance to the building on Pelham St is to be closed and would provide an emergency exit only. A secondary pedestrian entrance into the building is proposed from Pelham St where the Pelham St extension joins the existing building. The existing vehicular access into the building from Pelham St is to be retained and refuse collection would continue to take place at this location.
- 4.6 The public areas of the college building and all teaching areas are proposed to be wheelchair accessible and to comply with Building Regulations Part M and Disability Discrimination Act requirements.
- 4.7 A large array of photovoltaic panels (PV panels) are proposed on the roof of the extensions and all plant equipment would be within plantrooms in the building or on the roof which is proposed to have a 1100mm parapet around its perimeter. Access to the roof for maintenance is provided via the stair core at the northern end of the Whitecross St extension, which extends up to roof level.
- 4.8 BREEAM rating of 'Very Good' is targeted for the college building. The elevations of the extensions are a modern take on the existing college building, designed to sit sympathetically next to it. The existing building is

orange brick, aluminium curtain walling and UPVC windows. Tall vertical fins and deep window reveals are proposed for the extensions to reflect the vertical cladding system on the existing building and to provide solar shading and easy maintenance. A brick finish of dark to pale greys is proposed with dark grey aluminium windows and cladding with either a PPC or anodised finish. A 3 storey fully glazed curtain wall system is proposed to the main entrance between the extensions to create a welcoming entrance and provide natural light into the existing building. The Whitecross St extension is proposed to have larger areas of glazing than the Pelham St extension as the art studios within it require more natural light than the hair and beauty salons within the Pelham St extension. The windows on the Whitecross St extension reach down to almost pavement level to provide natural light to the art studios in the ground floor, which is set a few metres below the pavement level.

- 4.9 Open Space: A combination of hard and soft landscaping between the college extensions and up to the southern boundary of the site, incorporating removal of vehicular access and provision of stepped access from Whitecross St, level access for pedestrians and cyclists from Redcross St, and new vehicular access for 3 disabled spaces from Pelham St, as well as stepped and ramped access for pedestrians from Pelham St. The Design & Access Statement advises that pedestrian and vehicular areas of the site are intended to be laid to maximum 1:20 gradients in order to avoid any additional steps or ramps across the site. The two existing sycamore trees along the southern boundary are to be retained. 118 spaces for cycles are proposed in two secure and covered cycle stores accessed from Redcross St, and in the form of Sheffield stands within the open space and on the pavement on Whitecross St. The Design & Access Statement mentions that accessible shower facilities, changing rooms and lockers are to be provided within the college building, however these are not labelled clearly on the proposed plans.

4.10 Site B proposals (Outline):

Outline application with all matters reserved except access, external layout and scale, for the demolition of all buildings on the site (York, Trafalgar and Cheapside buildings) and the erection of up to 135 residential units (C3 use).

To clarify, the external layout refers to the footprint of the buildings and the size and position of the buildings and external areas, as set out on the site plan, and this is to be assessed in this outline application. The floor plans submitted are indicative only and subject to revision at Reserved Matters stage. Should any subsequent Reserved Matters application alter the indicative number or mix of units from the submitted accommodation schedule, items such as housing mix, trip generation and s106 contributions would need to be reviewed.

4.11 Access:

The existing vehicular access from Cheapside is to be repositioned approximately 5m further west and widened to give two-way access to the site with separate pedestrian access either side. This access would provide private access to the 16 parking spaces, and would also allow pedestrian and cyclist access for the residents and visitors. Refuse collection would take place on Cheapside. A new vehicular access is proposed from Pelham St slightly to the

north of the entrance to the open space proposed on the other side of Pelham St at Site A, which would allow access and a turning area for servicing and deliveries, including refuse collection vehicles. There would be a physical separation between the two vehicular accesses although they would be connected by an undercroft pedestrian link. There would be no vehicular access from Trafalgar Court. The site is intended to be private access only and gated at all three entrances to the site on Cheapside, Pelham St and Trafalgar Court. There would be separate pedestrian gates alongside the vehicular accesses onto Pelham St and Cheapside.

- 4.12 Cyclists and pedestrians (residents and visitors only) would have step-free access from and to all three entrances to the site and details of the entrance gates would form part of a reserved matters application.
- 4.13 Layout:

The largest of the blocks is perimeter block in an L shape on the corner of Cheapside and Pelham St which would be set back to provide 2 metre wide pavements on both the Cheapside and Pelham St frontages. Soft landscaping is proposed between the building frontages and the pavements and 1m high railings are indicated to separate these planting areas from the pavements. 3 entrances to the flats are proposed from the public highway on Pelham St and the rest of the entrances are accessed from within the site. To the rear is a parking area, indicated to provide 16 spaces, of which 9 are disabled. Secure and segregated cycle parking is proposed within the lower ground floor of this block, accessed from the parking area. Soft landscaping is proposed around the parking bays and trellises with climbing plants are proposed over some of the car and cycle parking areas.
- 4.14 Cycle parking is proposed in a mix of Sheffield stands, two-tier racks and individual cycle lockers across the site local to each building core at a rate of 1 no. space per dwelling and 1 per 3 no. dwellings for visitors.
- 4.15 Refuse stores would be provided at ground floor level within communal bin stores for refuse and recycling for each block.
- 4.16 From the Pelham St vehicular access an east-west 'street' would be formed with 6 storey blocks either side, connected to the parking area to the north and the courtyard and Trafalgar Court to the south via pedestrian undercrofts, and terminated by a 5 storey block at the eastern end with an undercroft that would provide a physical link to the gate at 15 York Place. However, as this link is not within the site ownership there would be no guarantee of access to York Place and cannot therefore be secured through this application. The 'street' would be mainly for pedestrian use and only used by servicing and delivery vehicles. No parking spaces are proposed in this area. Some trees are proposed alongside this street and soft landscaping/planting beds are proposed between the street and the residential blocks to provide defensible space and privacy to ground floor windows. Additional planting is proposed around the entrance gates and fencing.

- 4.17 To the south of this street is proposed a communal garden roughly square in shape with some trees and lawn areas, accessed by an undercroft from the 'street' or from Trafalgar Court. A terrace of 4 no. 3 storey houses is proposed at the southern end of the site which would front onto this communal garden.
- 4.18 Private areas of amenity space are proposed in the form of balconies and areas of shared green space of approximately 1,181sqm. Detail of landscaping is a reserved matter that would be assessed in a separate reserved matters application, however the location and amount of soft landscaping (layout) can be secured through this application.
- 4.19 The internal layout of the development (the stair cores and room layouts) is indicated but is a reserved matter that would be assessed in a separate reserved matters application.
- 4.20 The outline proposal is for up to 135 dwellings, however the accommodation schedule would provide 131 dwellings, with the following mix of room sizes: 8no. studios, 56no. 1 beds, 60no. 2 beds and 7no. 3 beds. It is confirmed in the Design & Access Statement and the Accommodation Schedule that all the units would meet the Nationally Described Space Standards minimum for each unit size:  
37sqm Studios  
50sqm 1 beds (2 person)  
61sqm 2 beds (3 person)  
70sqm 2 beds (4 person)  
86sqm 3 beds (5 person)  
The accommodation schedule also states that 6 of the units are proposed as wheelchair accessible. This would represent 4.58% of 131 units or 4.44% of 135 units. The remainder of the dwellings are proposed (in the Design & Access Statement) to meet Part M(4)2 of the Building Regulations Approved Documents, which would be wheelchair adaptable.
- 4.21 Scale:  
The development proposed ranges from 2.5 to 6 storeys. The 2.5 storey block is the terrace of 4 houses at the southern end of the site and the top floor is within a pitched roof; the block to the north opposite the gate at 15 York Place is 4.5 storeys with the top floor within a pitched roof facing York Place and the Valley Gardens conservation area. The block to the west of this block is proposed as 5 storeys and the blocks fronting onto Pelham St and Cheapside are at 6 storeys with the top (5th floor) recessed, and reaching full 6 storey height with recessed balconies either side of the Pelham St access and on the Cheapside/Pelham St corner.
- 4.22 The detailed design of the elevations and roofs (the 'appearance') of the development is a reserved matter that would be assessed in a separate reserved matters application.  
However, the submissions provide an indicative appearance that incorporates the extensive use of brick in the elevations. On the Pelham St and Cheapside frontages the ground floor is raised by some 450mm from street level to provide a defensive space and privacy and space for the cycle stores at the rear.

- 4.23 A 'Screening Request' was submitted to the Council which determined that the development would not be Environmental Impact Assessment development. The following documents, in addition to the normal planning application submissions have been submitted in support of the application:
- Education Justification Statement
  - Design and Access Statement
  - Viability Assessment
  - Statement of Community Involvement
  - Heritage Assessment
  - Transport Assessment and Framework Travel Plan
  - Landscape Design (Site A)
  - Arboricultural Assessment and Survey
  - Lighting Strategy/ Assessment
  - Sustainability Statement
  - Energy Statement
  - Biodiversity Appraisal and Checklist
  - Daylight, Sunlight and Overshadowing Assessment
  - Noise Assessment
  - Air Quality Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Archaeological Statement
  - Contaminated Land Statement and Ground Investigation

## 5. RELEVANT HISTORY

**BH2018/02608:** Gloucester Building application for change of use and conversion of existing educational floorspace (D1) to create 2no. three bedroom flats (C3) incorporating alterations to boundary walls, access, landscaping & associated works. Under Consideration

**BH2013/01600:** Hybrid planning application comprising: Phase 1: Full planning application for erection of an 8 storey (ground plus 7) College building of 12,056 sqm and ancillary accommodation (use class D1), with associated access, infrastructure and, public realm improvements and landscaping. Phase 2a: Full planning application for demolition of Pelham Tower and erection of a 10 (ground plus 9) storey building of 12,647 sqm to provide 442 student residential units and ancillary accommodation (sui generis use class), with associated access, infrastructure, public realm improvements and landscaping. Phase 2b: Outline planning consent for the demolition of York, Trafalgar and Cheapside Buildings, and the erection of up to 125 residential units (use class C3) (access, layout and scale). Approved 11/04/2014

**BH2008/02376:** Application for outline planning permission for the redevelopment of the site for a mixed use scheme including the demolition of Pelham Tower and other associated buildings. (Phase 1) for the erection of a 14,237sqm new City College campus and ancillary uses (Class D1) and associated access. (Phase 2) additional college space and (Class D1), student accommodation (Class C1), youth hostel (sui generis), café with ancillary gallery space (Class A3), employment space (Class B1) GP Clinic (Class D1), residential use (Class C3), infrastructure and landscaping works and associated

access. Access, appearance, landscaping, layout and scale to be determined for (Phase 1). Access, layout and scale to be determined for (Phase 2). Planning Committee resolution to Mind to Grant 18/03/2009. Finally disposed of by the LPA 21/09/2011.

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

## **5.1 PRE-APPLICATION ADVICE**

The applicant went through an extensive pre-application consultation with Officers and presented to Members and the Southeast Design Review Panel.

- 5.2 Members were supportive in principle of the proposals to improve and expand the teaching facilities on Site A and the provision of new housing on Site B. However the net loss of college floor space and the wider estates strategy for the college would need to be explained within the application submissions to justify an exception to Local Plan policy HO20. The absence of purpose built student accommodation (PBSA) within the scheme would also need to be justified. Members advised that some residents may welcome the absence of student accommodation in the scheme as many objected to this in the previous scheme. In addition, the reduced scale of development on Site A would also be likely to be welcomed by local residents. Many Members were disappointed that the 12 storey tower is to be retained and requested more improvements to the tower and plinth. Members recommended less visible undercroft parking for both sites to provide more private amenity space and a better outlook for residents. Following Members' concerns over the step-in of the extension fronting onto Whitecross St and over the height of the tall building on site B, the plans were amended to reduce the height on Site B to maximum 6 storeys and to bring forward the building line of the extension on Whitecross St. Members were also concerned that the Site B buildings could create a canyoning effect in Pelham St and questioned the useability of the balconies fronting onto Pelham St. Members welcomed the provision of public access to the open space on Site A and the potential for public access through Site B to York Place, although acknowledged that there are problems with crime in the local area and the need to secure the site at night-time. Members requested an open book viability assessment if policy complaint level of affordable housing was not offered. Some Members raised safety concern over potential shared spaces within the development. Members wanted to know proposals for the Gloucester Building. Green Roofs were requested. Members requested that contractors liaise with residents to reduce issues with construction noise and traffic. Car Club spaces and free residents bus passes were requested for the new occupants.

- 5.3 The pre-application proposals were reviewed by the SE Design Panel, who made the following comments, in summary:

Site A

- Existing building form is poor with little animation;
- Suggest exploring more comprehensive redevelopment of the site which could provide energy savings;
- Energy strategy is vague and BREEAM Very Good is under-ambitious given that the initial assessment showed just 2% short of Excellent rating;
- Need to clarify phasing of internal refurbishment;
- Not convinced of the layout with the entrance hidden between the wings - whilst the entrance would be more attractive, it would be a retrograde step in terms of urban form and legibility.
- The car parking should be reduced to just provide for blue-badge disabled cars and relocated away from in front of the Whitecross Street wing;
- Welcome the provision of the open space and understand why it needs to be secured at night, however, an alternative layout is suggested that improves natural surveillance and removes the need for it to be gated at night;
- The unattractive rear of Trafalgar St properties need to be better screened, by modest buildings or an attractive wall, rather than vegetation.

Site B

- Concern over the number of residential units proposed and whether an acceptable design can be achieved;
- The appearance of the residential blocks needs to be comparable to or of greater architectural quality than the existing education buildings;
- Not convinced of the south-angled balconies to Pelham St and the building's proposed height could be detrimental to the pedestrian experience of Pelham St;
- Supportive of the 3 entrances from Pelham St which will help activate this street;
- Suggest a more simple internal layout to provide more dual aspect units and more windows in south elevation of southernmost Pelham St block;
- Concern over the quality of shared amenity space and the arm of the Pelham St proposed to meet St Peter's House (which was removed through further round of pre-app);
- Whilst they support principle of creating pedestrian link to York Place, the developer needs to be sure that the gate at York Place will remain open; the route must be overlooked, the route's edges need to be secure and attractive, and calming measures in Pelham St should be explored. Without these items secured a gated community would be better solution and allow more flexibility in the layout and potentially more daylight/sunlight.

- 5.4 Officers requested justification for the absence of purpose built student accommodation (PBSA) as an exception to City Plan policy CP21 and justification for the net loss of academic floorspace. The principle of residential development on Site B was supported by Officers as a valuable contribution towards the Council's housing targets, and it was noted that the redevelopment of this site for up to 125 dwellings was granted outline consent in 2013.

- 5.5 Officers were disappointed that the proposals did not include the removal of the 12 storey Pelham Tower or more external improvements to the existing college building. However, it was acknowledged that many aspects of the scheme would improve the townscape and urban realm, including the new open space and the 3 storey extensions on Site A. The Heritage Officer welcomed the reduction in height of the residential scheme during the pre-application process and agreed that maximum 6 storeys would be likely to be acceptable in principle on the Pelham St/Cheapside frontage, subject to detailed design and submission of key views. The layout of the buildings on Site B was amended through the pre-app process to respond to Officer comments relating to creating vistas, high quality communal gardens, amenity, access, servicing and delivery, and air quality issues.
- 5.6 The proposals on Site A were amended to bring forward the extension closer to Whitecross St to strengthen the building line, and to create more glazing to help activate the street frontages, which were seen as positive changes by the Council. Officers advised that disabled spaces only would be acceptable and that the Sycamore tree in the southeast corner of the site should be retained given its size and quality and the lack of trees in the immediate site context.
- 5.7 During the course of the pre-app process, issues of existing anti-social behaviour in the local area were discussed with Officers and it was agreed that the open space on Site A would need to be secured at night time to prevent an exacerbation of the existing problems. Whilst this would reduce the permeability of the development, it was considered by Officers that this would be necessary.
- 5.8 For Site B, the College advised that they were unable to secure a right of way over adjacent land to connect the development to the gate at 15 York Place. Whilst disappointing in terms of the Council's aspirations to improve the permeability of Site B, Officers accepted that this link would not be currently achievable as neither the College nor the Council has control of the land that would provide this link. However, Officers encouraged the scheme to be designed to allow for this link to be opened up to the public in the future, by providing a physical link through the development from Pelham St to this link at 15 York Place.
- 5.9 Officers also sought changes to the layout to provide improved outlook and daylight for the new residents and to create larger, more consolidated green amenity areas. There were also discussions about how to secure the site if publicly accessible, particularly at night-time which is an ongoing problem in the vicinity of the site and not unusual in a city centre location such as this. Given that direct access through the site from Pelham St to York Place would not be achievable given the current situation outlined above, Officers considered that allowing public access through the remainder of the site would not improve the permeability of the local area. Through this process it was agreed that these problems could best be overcome by preventing public access into the site.
- 5.10 During the pre-application stage the college's Gloucester building, which is locally listed and the only college building within the Conservation Area and is located at the southern end of Site B, was excluded from the outline application

proposals in recognition of the requirement for applications in conservation areas be in full detail, and a concurrent application for change of use of this Gloucester building from college D1 use to residential C3 use (2 flats) has been submitted.

- 5.11 The Council advised that should less than policy compliant (40%) level of affordable housing be proposed on Site B, a financial viability report should be submitted to justify this. The DVS provided advice at pre-application stage on the appropriate approach and methodology for the viability report.
- 5.12 Officers requested studies and analysis of existing pedestrian and vehicular movements around the site, in order to establish the footfall levels and to assess the suitability of the relocation of entrances at Site A. Due to the level changes across the open space, section drawings were also requested, to assist in providing a level or ramped, step-free access where possible.

## **6. REPRESENTATIONS**

- 6.1 **Three** letters have been received, objecting to the proposed development for the following reasons:
- Potential noise disturbance and anti-social behaviour by street drinkers likely to use the steps and integrated seating from Whitecross St into the open space;
  - Loss of amenity - overlooking and overshadowing from Site B development to adjacent pub beer garden and potential impact this could have on the business.
  - Impact on North Laine conservation area due to loss of Victorian college buildings on Site B and poor design of replacement buildings. Should retain the facades.
- 6.2 **One** letter has been received, commenting on the proposed development for the following reasons:
- Concern that construction of Site B development and new residents will cause noise disturbance and internet disruption, as well as security issues to office use in Trafalgar Ct
- 6.3 **One** letter has been received, supporting the proposed development for the following reasons:
- Good design
  - Residential amenity
  - Enormous community benefits and helping young people move into the hospitality, food and drink industries.
  - Could be the only opportunity to improve the campus as there is no public funding available.
- 6.4 **Councillor Deane** objects to the application. A copy of the objection is attached.
- 6.5 **The Conservation Advisory Group (CAG)** provided comments and have no objection to the proposals for Site A. However it felt that that the Site B

proposals should not have been coupled with those for Site A and is concerned about the demolition of the interesting 19th century school buildings on Site B, east of Pelham Street, particularly whilst no replacement scheme is detailed.

- 6.6 **The North Laine Community Association** provided comments and is generally supportive of the application and reduced impact on North Laine Conservation Area from the 2013 consent. But raise concerns over management of the entrances to the site based on existing anti-social behaviour in Whitecross St. Object to the absence of affordable housing within the residential development.
- 6.7 **The Regency Society of Brighton & Hove** objects to the application due to the absence of affordable housing; taller residential development should be considered; the courtyard/public realm should be improved; concern raised over loss of car parking (staff will need alternative transport or off-site parking).
- 6.8 **The Brighton Society** provided comments and is supportive of the Site A proposals. But concern raised over the design and height of the Site B development – would prefer 5 storeys maximum – the proposed 6 storeys would be too high and overbearing and create a wind tunnel and would affect views to and from the adjacent conservation areas and St Peters Church.
- 6.9 **The Brighton & Hove Economic Partnership** supports the proposed development as it is essential to modernise and improve the College training facilities which would in particular support the creative digital and IT cluster, and the construction, engineering, health and financial services in the region. The development would also provide additional housing which contributes to the area's targets.
- 6.10 **The University of Sussex** supports the College's proposals to modernise their teaching facilities and which allows expansion in apprenticeships provision at the College to meet future requirements of industry, including the construction and healthcare sectors.
- 6.11 **Patcham High School** supports the development due to the huge community benefit of delivering further education to 15,000 young and adult learners and the development is vital for the future of the College. Urgent investment in the MET College is required to make its facilities fit for purpose and the college has a vital role in addressing the regional skills shortages in creative, digital and IT businesses and also the catering and hair and beauty courses that are nationally acknowledged as excellent but inadequate facilities are affecting their ability to recruit new students.
- 6.12 **Coast to Capital LEP** supports the development as it is an important upgrade for the MET College and will unlock much needed jobs, housing and new learners. The application will help to create skills for the future, deliver prosperous new urban centres and reduce our dependence on London, and the regeneration will help deliver the Local Plan and create 130 new homes and over 500 new jobs. Coast to Capital commits to working with all partners to ensure the successful delivery of the scheme.

## 7. CONSULTATIONS

### EXTERNAL CONSULTEES

- 7.1 **BRE (Building Research Establishment)** No objection

For a new development of this size, the overall daylight and sunlight impact on surrounding dwellings is limited. This is partly because the development is of a similar height to the existing buildings, and because taller elements are set back from existing housing.

Only a small number of rooms and windows would have a loss of daylight outside the BRE guidelines. These comprise three rooms in Sanctuary House and one in St Peter's House for which the absolute loss of light would be very small, as they are almost non-daylight currently; eight rooms in 8-30 York Place with a minor impact on daylight distribution; and three more rooms in St Peter's House with a minor to moderate impact on daylight distribution.

Loss of daylight to all other dwellings would be within the BRE guidelines and could be classed as negligible. There would be significant increases in daylight to four rooms in Sanctuary House, six in 12-14 York Place, and three in St Peter's House. For most of them this would count as a minor beneficial impact, but for one flat in St Peter's House there would be a major beneficial impact.

The Ansty Horne report (submitted in support of the application) has not addressed daylight and sunlight provision to dwellings in the new development. This should be analysed, at least for a representative selection of rooms on the lowest floors which are likely to be more heavily obstructed. The report has not presented results for loss of sunlight to existing gardens. There are garden areas to the north of St Peter's House and at the back of the Hobgoblin public house for which loss of sunlight should be analysed. Sunlight provision has not been analysed to any proposed open spaces within the new development. This is recommended for the proposed green open spaces within the residential scheme, and for the café area and green open space to the south of the college buildings.

#### **7.2 Brighton Archaeological Society: No objection**

The Brighton and Hove Archaeological Society are aware that a Roman cemetery was located close to the site of the proposed development, and that a number of Roman coins were found during the construction of the St Peter's church which is close by. It is possible that vestiges of an ancient landscape may remain. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

#### **7.3 County Archaeologist: No objection**

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

#### **7.4 County Ecologist: Comment**

Although no Ecological Impact Assessment was provided, surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

The site currently comprises buildings, hard standing, small areas of scrub and a single sycamore, and is of limited ecological value, with the tree offering the greatest interest. The proposed development would lead to the loss of the

sycamore. The tree should be retained and protected if possible, although the proposal to plant 35 trees is noted. Trees should be of native if possible, or of known value to wildlife, and should be of local provenance.

One of the buildings proposed for demolition offers low potential for roosting bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. A dusk emergence survey recorded no bats emerging from the building and no activity across the site. As such, no further surveys or specific mitigation for bats is required. However, as the building retains the potential to support roosting bats, a precautionary approach should be taken to site clearance, as described in the Bat Survey Report (Phlorum, July 2018).

The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice on how to proceed should be sought from a suitably qualified and experienced ecologist.

{\ul Mitigation Measures and Enhancement Opportunities}

The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of bird, bat and/or insect boxes and the use of native species and species of known wildlife value within the landscaping scheme. Annex 7 of SPD11 includes recommendations of appropriate plant species. Bird boxes should target species of local conservation concern such as house sparrow, starling and swift.

If the Council is minded to approve the application, it is recommended that a condition requiring an Ecological Design Strategy is applied.

#### **7.5 Scottish Gas Networks: No objection**

Advice provided: On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

#### **7.6 Southern Water: Comment**

The exact position of the water mains and combined sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Construction over or within stand off distances of this apparatus will not be permitted. The proposed development site layout would be acceptable only if the existing water and sewerage infrastructure is to be diverted from the site.

It might be possible to divert the public combined sewer and water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

#### **7.7 Sussex Police: Comment**

The area is within the parameter of the late night economy of the City centre and as such it experiences large amounts of footfall, noise, litter and acts of anti-social behaviour, in fact the level of crime and anti-social behaviour here is high when compared to the rest of England and Wales. However, given the

above location's position in the heart of the City; I do not have undue concerns with the present level of crime within the immediate area.

#### 7.7.1 SITE A. External Issues

Recommends security fencing and supportive of the good natural surveillance of the three perimeter access gates. They should be minimum of 1.8 metres in height and have controlled access. Fencing should also be of the same height. There should be no opportunities for using the design of the gates or fencing for foot holds to climb over them when the site is closed or for the creation of unwanted graffiti. Recommends a monitored CCTV system and provision of a facilities officer or security guard. Consideration must also be given to how the plaza might be cleared when closing time is reached. A lone official may be at risk when proceeding to close the plaza area and gates.

The schedule of weekly opening and closing hours for the gates should be clearly displayed. A method of dealing with persons accidentally trapped within the application should also be considered. In relation to the gated entrances, SBD (Commercial Developments 2015) paragraph 45:1 gives specifications for security bollards suitable for locating in the centre of the entrances to negate vehicle access.

7.7.2 With regards to the public areas, consideration is to be given to reducing the opportunity of skate boarders and members of the street community taking advantage of the open spaces. An appropriate design or mitigation measures for the amphitheatre steps may reduce the opportunities for skate boarders to cause damage. Any outside furniture for the café should be fitted firmly to the ground to prevent it being used as a tool to gain access to the building or for antisocial behaviour.

7.7.3 External lighting throughout the development will be an important consideration and should conform to the recommendations within BS5489:2013. I would recommend energy efficient LED vandal resistant lighting where possible. Lighting is required for each elevation of the building that contains a door set where public or, visitors are likely to use and the lighting should work in parallel with any CCTV equipment.

7.7.4 Car parking and disabled bays should be clearly marked. I have concerns regarding the manoeuvring space available for the four disabled bays and how the gated access will operate and be controlled. Likewise the gated cycle ramp access from Pelham Street. It is also good practice to provide a parking space for emergency vehicles close to the entrance of the development.

Cycle parking should be in view of a supervised area of the main building. Clear walled & roofed enclosures are available to keep the cycles dry. Paragraph 46:3 of SBD Commercial Developments 2015 gives recommendations regarding specifications, location and suitable bicycle storage facilities. (Minimum requirements are Galvanised steel bar construction (minimum thickness 3mm) filled with concrete. Minimum foundation depth of 300mm with welded anchor bar. (Sheffield style hoops). Internal cycle storage will need to be separated into independent & secure areas with access control. A maximum of 30 cycles each, to reduce payoff to a potential offender and to reduce the chances of theft of parts or theft of the cycles.

7.7.5 The smoking area should be located in a different location to that of the bicycle storage areas as it provides a legitimate reason to be in the immediate vicinity of the cycles.

- 7.7.6 In areas where antisocial behaviour occurs I recommend anti-graffiti coatings or materials should be used where appropriate.
- 7.7.7 **Site A. Building**  
The external doors of the extension will be required to deal with heavy use and need to be secure and substantial.  
Reception desks should afford protection for the receptionists and provide a clear view of the reception area.
- 7.7.8 **Site B**  
I would recommend gated access to the development. This will provide a secure car park area. Gates will need to be set back sufficiently to prevent an obstruction of the road whilst waiting for gates to open when entering. There must be a clearly defined separation between vehicle and pedestrian access through the entrances and sufficient visibility to avoid conflict with pedestrians crossing the exits. A controlled pedestrian access gate may also be required from York Place. This route will need dusk to dawn lighting.
- 7.7.9 There is likely to be a high footfall of pedestrians along the eastern side of Pelham Street and so all ground floor doors and windows of the development should have clear separation from the pavement and with defensive planting to protect them.
- 7.7.10 Lighting is required for each elevation of the buildings that contains a door set where public or, visitors are likely to use. External lighting should be vandal resistant. The car park and cycle stores should also be illuminated.
- 7.7.11 Where there are large multi-level blocks of dwellings I would recommend compartmentalisation of each floor. Narrow archways through buildings for car park entrances can pose a danger to pedestrians and also attract antisocial behaviour, as they are a dry and illuminated place to gather if easily accessible and isolated from view. Undercroft bin stores pose a possible arson risk if they do not have controlled access.

## **7.8 UK Power Networks: Objection**

South Eastern Power Networks plc ("the Company") is the electricity distribution network operator in the area for which you are responsible as local planning authority. The Company is the owner/occupier of the electricity substation located within 6m of the proposed works and it is believed that the proposed works are notifiable under the Party Wall etc. Act 1996.

The Company objects to the planning application for the Development, as the Applicant has neither served Notice in accordance with the Party Wall etc. Act 1996 nor satisfied the Company that the works are not notifiable. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The Applicant would need to be responsible for any costs associated with any appropriate measures required.

## **INTERNAL CONSULTATION}**

## **7.9 Air Quality: Comment**

Much of the site is within the extant Air Quality Management Area (AQMA) first declared in 2004, last updated in 2013. The declaration is for exceedance of hourly and annual average standard for nitrogen dioxide (protection of human health). Monitoring strongly suggests some of the highest long term pollution

levels (compared to elsewhere in Sussex) between London Road-Cheapside and Oxford Street.

- 7.9.1 Given the site's location within the BHCC main AQMA, the proposed residential uses and the potential for the proposals to increase emissions and affect local air quality, an Air Quality Report was requested during pre-application stage and has been submitted with the planning application.
- 7.9.2 Accordingly, an Air Quality Report has been submitted with the application (Phlorum, dated July 2018). The methodology, findings and proposed mitigation measures set out within the report are satisfactory and can be secured by condition should consent of the application be granted. However, I would request that further mitigation measures are provided, as set out below within the conditions recommended.
- 7.9.3 Development of the car park (southern part of site A) is predicted in the Air Quality Report and the TA to reduce the number of vehicle trips from the site and, as set out in the Air Quality Report this is likely to be slightly beneficial for localised air quality. Site A includes open space that is also likely to be beneficial for the urban realm and the dilution of emissions with fresh air. However, the north part of site B that bounds Cheapside is likely to continue to experience exceedance of the Air Quality Assessment Level (AQAL) for ambient nitrogen dioxide once the proposed development is occupied. This is likely to be due to existing one-way road traffic emissions on an upslope road gradient pulling away from the junction with London Road (Hobgoblin Public House).
- 7.9.4 Outdoor air quality is affected because the road traffic emissions happen in a confined space i.e. Lower Cheapside street canyon that is bounded by the walls of buildings on both sides. Despite the removal of the car park on site A, it is predicted within the Air Quality Report that the air quality will continue to exceed the AQAL for ambient nitrogen dioxide in Cheapside. I agree with this conclusion.
- 7.9.5 I note that the applicant does not intend to use a Combined Heat and Power Plant (CHP) within the proposed development. This is welcomed given that CHPs can often have high rates of oxides of nitrogen (NOx) per kwh of energy. To secure this I recommend a condition precluding the use of CHP within the proposed development. Reason: Council air quality monitors at roadside in the London Road area between Cheapside and Oxford Street continue to record nitrogen dioxide levels  $> 60 \mu\text{g}/\text{m}^3$ . This strongly suggests that concentrations in the area continue to exceed both hourly and average Air Quality Assessment Levels (AQAL) set out in the (national) Air Quality Strategy. The Local Authority is duty bound to improve air quality in the area which includes avoiding emission sources that could delay compliance with the AQAL.
- 7.9.6 Recommend CEMP requirements and conditions.

#### **7.10 City Regeneration: Comment**

This is a hybrid application which relates to sites at West of Pelham Street (Site A) and East of Pelham Street (Site B) which combined have an existing gross internal non-residential floorspace which is 21,806 sqm. The applications will overall result in the loss of 8,826 sqm of gross internal floorspace, with 3,296 total gross new internal floorspace. The net loss of gross internal floorspace is - 5,530 sqm.

City Regeneration regrets this significant loss of D1 educational floorspace within Brighton & Hove, however, this will be partly redressed by the provision of 2,942 sqm of new educational space at the Pelham Street campus. City Regeneration acknowledges that the substantial refurbishment and extension of the college is required to ensure the educational floorspace is fit for purpose and to help enable the college to deliver its proposed teaching curriculum. Fuller details are given below.

#### 7.10.1 Site A

At Site A the application proposes 2,957 sqm of Use Class D1 (Educational Use). City Regeneration supports these proposals for a new purpose built extension to provide new teaching facilities and the proposed refurbishment of Pelham Tower to enable more efficient use of the premises and facilitate required revisions to the teaching curriculum. This application aims to provide a significantly improved educational offer for local students which we endorse.

City Plan Part 1's vision is 'By 2030, Brighton & Hove will have a sustainable, resilient low carbon economy with sufficient jobs at all levels. Local residents will have the skills to enable them to progress through the labour market and earn incomes to help them live successfully within the city'.

City Regeneration considers this application endorses City Plan's vision and its proposals for 'sustainable economic growth (which) will be achieved by ensuring a range of suitable employment sites and premises; supporting the city's key and growing employment sectors with a well-trained and suitable skilled local workforce by securing training and support for local entrepreneurs and start-up businesses'.

City Regeneration notes the number of employees will remain unchanged at 80 FTE jobs.

#### 7.10.2 Site B

This application proposes the demolition of the York, Trafalgar and Cheapside Buildings for the erection of the new residential accommodation. These buildings are outdated and viewed as unfit for their educational purpose and cannot be economically improved.

#### 7.10.3 Developer Contributions

Should this application be successful, due to the size of the development and in accordance with the council's Technical Guidance for Developer Contributions, a sum of £39,100 is requested as a condition of any S106 agreement and paid prior to formal site commencement.

The sum is calculated, based on the number and size of residential units and the net additional gross (non-residential) internal floor space.

The application and Planning Statement indicate a development of up to 135 dwellings. This application provides details for 131 new dwellings.

Therefore the breakdown of the sum requested is as follows :

##### Residential (new)

Type of Dwelling	No. Dwellings	Contribution per Dwelling	Total
Studio	8	£100	£800
1 bed unit	56	£300	£16,800
2 bed unit	60	£300	£18,000

3 bed unit	7	£500	£3,500
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	131		£39,100

#### Non-residential

The threshold for payment of developer contributions on non-residential development is 500 sqm. This relates to the net loss of gross internal floors space following development. According to the application this development will not meet this criteria and therefore developer contributions are not applicable.

Also, should this application be approved, there will be a requirement, detailed through a S106 agreement, for the developer or designated contractors to submit an Employment & Training Strategy to the Council in writing for approval, at least one month before the intended date of Commencement of Development.

- 7.10.4 The strategy should demonstrate how the Developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Coordinator and partner organisations operating in the city to promote employment for local construction workers during the demolition (if applicable) and construction phases of the Proposed Development, with a target that at least 20% of the temporary and permanent job opportunities created by the construction of the Proposed Development are provided for local people (residents living within the city postcodes).
- 7.10.5 Early contact with the council's Local Employment Scheme Co-ordinator is recommended in order to access advice and guidance with regards to the production of the strategy if required; to be informed of the monitoring process regarding the make-up of the workforce during the life of the development; and for early negotiations regarding the provision of training opportunities and the use of the aforementioned developer contributions for the commissioning of appropriate training, relevant to the site.
- 7.10.6 It is recommended that reference is made to CITB (Construction Industry Training Board) Skills Academy guideline regarding KPIs which are based on value of the development.

#### 7.11 Education Officer: Comment:

In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £92,659.20 towards the cost of secondary provision if this development was to proceed. The development is in the catchment area for Varndean and Dorothy Stringer Schools and at the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time; any funding secured for secondary education in the city will be spent at Varndean and/or Dorothy Stringer Schools.

- 7.11.1 There is a discrepancy between the number of housing units shown in the description at the start of the application and the number of units included in the schedule of accommodation. The description suggests that outline consent is being sought for 135 units whereas the schedule of accommodation includes just 131 units. The calculation above is based on the information included in the schedule of accommodation i.e. 131 units (of which 8 are studio apartments). If

the final scheme was to incorporate 135 units the calculation of the contribution would have to be re-visited to take account of the actual number of units to be provided. The calculation of contribution would also have to be re-visited if the split in terms of unit sizes was to change as this could also change the contribution needed.

#### **7.12 Environmental Health: Comment**

I have considered noise and nuisance for the existing and proposed users of the area in relation to the buildings, plant, smokers and public areas. Design details for noise mitigation are not yet fully formulated. Acoustic Associates Sussex Ltd report (8/8/18 – J2410 and J2492) identifies the following issues:

- Additional insulation, an enhanced window specification and alternative ventilation alongside Cheapside and at the back of York Place;
- Replacement of the noisy commercial fans at the rear 18 York Place, Brighton BN1 4UP;
- Security of the public space has been addressed and this has been considered and should be incorporated into the noise control management plan for the sites;
- Silencers to be fitted to noisy college plant;
- Enclosed balconies adjacent to Cheapside;
- Additional ventilation for rooms within the college;
- Time restrictions on various potentially noisy uses.

7.12.1 The acoustic reports are generally acceptable, the applicant must now specify details of how mitigation of the matters identified will be achieved. For example, details of enclosed balconies, the fenestration fronting Cheapside, which silencers will be used for plant/equipment and the structural design and design features such as sound insulation and classroom design that will make the living and working environment healthy and of high quality.

7.12.2 I am concerned that the smoking area is unnecessarily close to sensitive residential receptors and would ask that an alternative area closer to the college is found for this activity.

7.12.3 On the question of potentially contaminated land, I have considered the report of HOP engineers July 2018 ref: 8941/22/HOP/CON, that takes into account the findings of previous investigations by other contractors. HOP concludes that further investigatory works will be carried out, including as the groundworks get underway. The desktop study is complete, the site survey data for both site A & B will allow the formation of a full remediation strategy for both site phases. Two Construction Environmental Management Plans are required for sites A & B: different controls will be required for the various development stages to minimise disruption over the long build periods.

7.12.4 The Lighting report (Delta Green 23/7/18) submitted is acceptable as far as it goes, but solely covers site A, but not site B.

Recommendation: Approve with suggested conditions.

#### **7.13 Heritage: Comment**

##### **Statement of Significance**

The Greater Brighton Metropolitan College site comprises the existing 1960s Pelham Tower and surface car park south of it, together with the older college

buildings to the west of Pelham Street. Most notable amongst these are the York Building and Trafalgar Building. These were established on the site following the Education Act of 1870, with Trafalgar being the first. They were designed by Thomas Simpson & Son, who designed all of the Brighton Board Schools of this period in a common late-Victorian Free Style, with steep slate roof, ornate gable and elevations in brown and red brick. A number of such schools in Brighton are listed and some are locally listed. The Trafalgar Building, however, underwent major alteration in the 20th century, when its steep, ornate gables were lost and an further wing added. It nevertheless has some townscape and historic interest. The York Building has been subject to various incremental additions and is now completely landlocked. It has some architectural and historic interest but little or no townscape value. Both were considered for local listing in 2015 but were not considered to meet the criteria for local listing in the context of the other surviving Brighton Board Schools.

- 7.13.1 The site lies between the historic urban grain of two conservation areas to the south and east and the large scale redevelopment of the New England Quarter to the north and west. Immediately to the south is the North Laine conservation area and immediately to the east the Valley Gardens conservation area. Development of the site would impact upon the setting of both areas. North Laine is a mixed-use, small scale area with a tight urban grain, its regular street pattern corresponding to the sub-division of the former arable fields, known as laines, on which it was developed. It retains much of its 19th century development, generally two and three storeys, and has a lively urban character. Valley Gardens conservation consists of generally larger, grander development from the late 18th to late 19th centuries fronting onto the public gardens that run in a linear fashion from the Old Steine to The Level. Within the Valley Gardens conservation area but outside the site boundary is the distinctive red brick arch and associated railings on York Place, which originally gave access to the girls' school of the York Building. The existing Pelham Tower harms the setting of both conservation areas and the surface car park harms the setting of the North Laine conservation area.
- 7.13.2 A number of listed buildings lie in the vicinity of the site. Most notable in this respect are the grade I listed St Bartholomew's Church, which closes the vista north along Pelham Street with its very tall gabled nave and rose window, and the grade II\* listed St Peter's Church to the east, the Gothic pinnacled tower of which can be seen from Whitecross Street across the car park. The plinth to the tower block intrudes upon the view of St Bartholomew's looking north along Pelham Street and the tower block harms the setting of St Peter's Church in long views from the east.
- 7.13.3 Close to the site are the grade II listed buildings of: 97 Trafalgar Street, a mid-19th century 3 storey terraced building which occupies the corner of Pelham Street; and 1-7, 8-12, 15-24 and 25 Pelham Square which comprise a formal residential development of c1845-60. To the east the settings of the listed terraces of St George's Place and St Peter's Place are currently compromised to some degree by the slab-like massing of the Pelham Tower.

7.13.4 Within the MET college ownership but immediately outside the proposed site boundary is the Gloucester Building in Trafalgar Court, which is a locally listed building and lies within the North Laine conservation area. This building was part of the Pelham Street Schools, being an addition of c1900 to the earlier Trafalgar and York Buildings, to provide a 'cookery school and afflicted children's centre'. It is of similar style and was also designed by Simpson's practice. It survives intact and contributes positively to the appearance and mixed-use character of North Laine but is currently vacant.

7.13.5 At the north end of York Place is the locally listed Hobgoblin pub, an Edwardian purpose built public house that terminates the corner with Cheapside with increased height, prominent roof and tall chimneys silhouetted against the sky.

7.13.6 The southern part of the site lies within an Archaeological Notification Area.

7.13.7 Relevant Design & Conservation Policies and Documents

The NPPF and NPPG. Historic England GPA Note 3. City Plan Part One policies CP12, CP13, CP14 and CP15. Local Plan policies QD5, HE3, HE6 and HE12. SPGBH15 on Tall Buildings. Valley Gardens Conservation Area Study and Enhancement Plan. North Laine Conservation Area Study and Enhancement Plan.

7.13.8 The Proposal and Potential Impacts

College Development (Site A) – Full Application

The existing car park site is immediately outside the North Laine conservation area and currently detracts from the setting of the conservation area. The development of the site is therefore welcomed and would make some contribution towards positively enhancing the conservation area's setting. The proposal is modest in scale and footprint and, whilst the reasons for this are understood, the proposal nevertheless appears to be rather an under-development of the site and something of a wasted opportunity. The development would only half reinstate a building line on Pelham Street, still leaving a very open frontage. and it is regrettable that disabled parking was not accommodated on street instead. This new 'east wing would not have an active ground floor frontage and the south end elevation, which would be prominent in views from the junction with Trafalgar Street, would be largely blank. Amendments to this should be sought. The Whitecross Street elevation is less sensitive in townscape and heritage terms but the new 'west wing would be longer and better articulated and is considered to be a more successful piece of townscape.

7.13.9 The new entrance to the site from Redcross Street, and the view along it from Trafalgar Street towards the new college entrance, would though represent an enhancement to the North Laine conservation area and its setting, subject to detail.

7.13.10 With regard to the public space, whilst this is welcomed in principle concerns remain about how effectively the unattractive rear of elevations of the Trafalgar Street properties would be screened by the fences and planting. The gated entrances will need very careful design in order to avoid appearing forbidding

but the indicated approach has good potential in this respect. More detail on the design and materials of the cycle/smoking shelters will be needed as these would be crucial townscape elements in the entrance from Redcross Street. If not provided with the application these details should be required by condition. Hard landscaping materials will be crucial to a successful space; they should be high quality, durable and appropriate to the surrounding historic streets.

7.13.11 It is disappointing that improvements to the existing Pelham Tower do not form part of the scheme and alterations to the podium represent only a very modest improvement. These should be secured by condition if approval is granted.

7.13.12 In conclusion, it is considered that this part of the application would modestly enhance the setting of the North Laine conservation area, but is somewhat of a missed opportunity to secure a stronger street frontage to Pelham Street and wider improvements to the appearance of Pelham Tower. The proposals would preserve the setting of the listed building at 96 Trafalgar Street and there would be no significant impact on the settings of the other heritage assets referred to above.

7.13.13 Residential Development (East side of Pelham Street) – Outline Application  
The demolition of the Cheapside, York and Trafalgar Buildings was accepted under the previous approval and these buildings were not considered worthy of inclusion on the Local List when it was reviewed in 2015.

7.13.14 This part of the application has developed positively since the initial pre-application engagement and the proposed footprint of development on this part of the site is generally welcomed, though the public square could have been more enclosed on the western side, notwithstanding the wish to keep the north flank of the Gloucester Building exposed. The set-back building line and raised ground floor along Pelham Street are considered to be positive features and, together with the setback top storey, would help to preserve the setting of St Bartholomew's Church in the view northwards. The creation of an end vista to the view along Trafalgar Court is considered to be a very positive element, which would enhance the appearance of the North Laine conservation area; it would be a notable improvement over the previously approved scheme, though the indicated floor plan and elevations show a rather weakly articulated south elevation to that residential unit. The absence of a physical pedestrian link via the York Place archway is highly regrettable, though it is noted that the layout allows for a potential route through, beneath the residential block, if ownership / rights of way issues can be resolved in future. The view through the archway from York Place will nevertheless remain important and much more detail would be required on this at reserved matters stage, including the hard boundary treatment and the design, articulation and materials of the new east elevation of this block.

7.13.15 It is noted that the Gloucester Building is outside the application site but is the subject of a separate application for conversion to residential.

7.13.16 With regard to the scale and height of the development, this is considered to

be acceptable. This part of the site immediately adjoins the Valley Gardens and North Laine conservation areas. The development would impact on the setting of the Valley Gardens conservation area by virtue of its partial visibility above the roofline of the York Place terrace from the public space around St Peter's Church and from the footways to the north and east of that space. Towards the southern end of the site the development would be most visible from Valley Gardens, as the York Place terrace is lower and the residential blocks extend eastwards. It would, however, be significantly lower than the existing York Building. The proposed top storey has a sloping roof with dormer windows, which mitigates its intrusiveness and would help to make it appear more as part of the roofscape. Nevertheless, the intrusion of a large modern development above the historic roofline would cause some harm to the setting of the Valley Gardens conservation area. This harm would be 'less than substantial' under the terms of the NPPF. The setting of the other heritage assets identified above would not be significantly impacted.

#### **7.14 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. The council has an Affordable Housing Brief based on evidenced housing needs in the city. Housing will work positively with developers to answer housing need.

This response is provided by Housing Strategy & Enabling to outline where the scheme does and does not meet the council's Affordable Housing Brief and current policy CP20 regarding provision of affordable housing. CP20 requires 40% of properties to be developed as affordable housing on site in schemes of more than 15 units. Developers are required to prove where it is not viable for them to meet this policy provision. The viability presented with the application is currently being independently assessed and the outcome is awaited.

This outline application is for 131 (maximum 135) flats on a central site near all amenities.

7.14.1 Brighton and Hove is a growing City with 273,000 people in 126,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City. With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population.

7.14.2 In terms of need for affordable rented accommodation: We currently have 1,705 households in Temporary Accommodation, 1,122 of which include children and/or pregnant women, and 14,815 people listed on the joint housing register at 3 April 2018 - 79% of whom are in demonstrable need - Bands A to C. [Source: Housing Statistical Bulletin Jan to March 2018].

#### **7.14.3 Tenure**

Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45%

as affordable home ownership i.e. Shared Ownership sale, as a citywide objective.

- 7.14.4 A position compliant with City Plan Part 1 Policy CP20 Affordable Housing of 40% affordable homes would equate to 52 homes as Affordable Housing, split provided as 29 for Affordable Rent and 23 for Shared Ownership sale.

At present the developer has offered zero units as Affordable Housing.

Affordable Housing in the city is generally provided through the Local Authority or a Registered Provider from the council's Affordable Housing Development Partnership. At present, Registered Provider Partners cap the rents payable at Local Housing Allowance and the council is able to nominate people from the Housing Register to Affordable Rented properties. Shared ownership housing is an accepted way to allow those who could not afford a home outright to get a foot on the ownership ladder.

#### 7.14.5 Wheelchair provision

The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). There should be 5% wheelchair accessible homes provided across the whole development and 10% within the affordable housing development. This equates to 5 homes within the affordable element of this scheme at a 40% provision and 7 units on the site overall. The schedule of accommodation provided currently identifies 6 homes for wheelchair uses which is close to 5% overall and zero as Affordable as no Affordable Housing is identified. Affordable Rent would be the preferred tenure for Affordable Wheelchair accessible homes.

#### 7.14.6 Design and Size of units

Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards. The current accommodation schedule lists that the units all meet the minimum space standards. Wheelchair accessible units have required living space areas defined within the Building Regulations which should also be met.

Unit mix

- 7.14.7 Assessment of housing needs shows that although greatest need (numerically) is for smaller one and two bed properties there is significant pressure on larger family sized homes, and the affordable housing brief scheme mix is based on this, requiring a balance of unit sizes. This would generally require a scheme with a mix of one bed, two bed and three bed homes.

- 7.14.8 The council's affordable housing brief currently asks for a mix of 30% 1 beds, 45% 2 beds and 25% 3 beds. This development overall has a higher proportion of smaller units and the affordable housing element can be adjusted to reflect the scheme mix.

### **7.15 Planning Policy: No objection**

#### 7.15.1 Educational Facilities

Greater Brighton Metropolitan College is a key provider of educational services of the city, and the principle of improvement to the facilities offered by the college is strongly supported by planning policy. The demolition of the buildings to the east of Pelham Street will result in the loss of approximately 8,800m<sup>2</sup> of D1 educational floorspace, however this will be partially offset by the proposed new build extension to the south of the tower and plinth which will provide approximately 3,300m<sup>2</sup> of new teaching space. The overall loss of D1 floorspace means that Local Plan Policy HO20 applies. This policy relates to the retention of community facilities and states that Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, unless one of four exception criteria applies. In this instance it is considered that criteria (c) applies – “*existing nearby facilities are to be improved to accommodate the loss*”. The applicant has set out in the Planning Statement how the existing Victorian buildings are not up to the standards required and cannot be economically upgraded. The existing facilities in the Pelham Tower and plinth are to be refurbished, as well as the new provision in this area, as part of an overall masterplan to achieve a campus fit for the college’s requirements.

7.15.2 The provision of the new educational facilities is specifically supported by saved Policy HO19 of the 2005 Brighton & Hove Local Plan. The site is located within the New England Quarter and London Development Area (Policy DA4 of the City Plan Part One). Although the site is not identified as a strategic allocation, the proposed scheme will help to achieve the local priority for improvements to education provision (clause A4), as well as improvements to streetscape and public spaces (clause A7) primarily through the provision of the new public space on the existing car park.

7.15.3 The site is within close proximity of the Lewes Road Development Area covered by Policy DA3 of the City Plan Part One. Policy DA3 sets out how a priority for the area is to enhance the area’s role as an academic corridor by measures including improving further and higher education provision.

#### 7.15.4 Housing Provision

The hybrid element of the proposal relates to the demolition of college buildings to the east of Pelham Street, comprising Cheapside, Trafalgar, York buildings and the construction of up to 135 residential units. The significant provision of C3 residential units would make a useful contribution towards the city’s housing target as set out in Policy CP1 of the City Plan. A 40% affordable housing contribution will be sought in line with City Plan, however it is noted that this will be subject to negotiation with the Council once final scale of the residential development is known and viability assessments have been undertaken and independently scrutinised. Any underprovision would need to be fully justified by viability evidence.

7.15.5 City Plan Policy CP19 relates to housing mix. In order to ensure compliance with this policy, the proposed housing mix for the development should take into account the analysis of need set out in paragraph 4.213 of the supporting text of this policy. An indicative housing mix has been set out in the Planning statement that accompanies the application.

- 7.15.6 It is noted that the proportion of one bedroom and studio apartments in this indicative breakdown is rather high compared to the analysis of the city's need set out in paragraph 4.213 and this would need to be fully justified within the reserved matters application.
- 7.15.7 Private usable amenity space should be provided to all residential units in line with saved Local Plan Policy HO5.
- 7.15.8 The council encourages new housing development to meet the nationally described minimum space standard published in March 2015 and it is intended to introduce these space standards through the City Plan Part Two. It is therefore recommended that the applicant ensures that all the dwellings meet the Nationally Described Space Standards.

**7.15.9 Purpose Built Student Housing Allocation**

The site is allocated in Policy CP21 of City Plan Part One for 300 bedspaces of Purpose Built Student Accommodation (PBSA) as part of a wider mixed use scheme. The previously permitted schemes for the redevelopment of the site both included a significant element of PBSA however no PBSA provision is included in the current redevelopment proposals. It is recognised that the allocation in CP21 derives from a previous, unimplemented permission for the site which predates the adoption of the City Plan Part One, and that the College's aspirations for this site and funding sources have altered since that time. No objection is therefore raised to the lack of PBSA provision in this instance.

**7.15.10 Waste Management**

The extensive construction and demolition work involved will generate a significant quantity of waste materials. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A comprehensive Site Waste Management Plan has been submitted and no concerns are raised with regard to this policy.

Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.

**7.15.11 London Road Central Masterplan (SPD10)**

The site is located with the London Road Central Masterplan area. The proposed development is considered to broadly confirm to the objectives of the masterplan, in particular by providing improvements to the public realm, urban design and accessibility.

**7.16 Artistic Component: Comment**

Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.

7.16.1 The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 11,000 sqm) is multiplied by a baseline value per square metre of

7.16.2 construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £86,000.

#### **7.17 Sustainability: Comment**

The applicant has provided justification for the inability of the development to meet the BREEAM Excellent standard. The applicant notes that the proposal is expected to meet the minimum Energy criteria for BREEAM Excellent – it should be noted that this score (60.9%) is less than the 70% required to attain 'Excellent' across the development, but is allowable as it is assumed a development will make up the scoring deficit elsewhere. This application fails to do this.

7.17.1 In achieving the Very Good standard, the proposed development is anticipated to achieve the following credits:

- Management: 16/21
- Health & Wellbeing: 10/18
- Energy: 14/23
- Transport: 10/11
- Water: 5/8
- Materials: 8/14
- Land Use & Ecology: 8/10
- Waste: 4/8
- Pollution: 8/13

This gives a total predicted BREEAM score of 66.2%. This falls below the 70% needed for an Excellent.

7.17.2 With regards to the Energy scores, no mention is made to the pre-app discussions around the building's high energy and water consumption due to its intended use. It is indicated instead that this high usage is due to a high percentage of glazing across the development and a lack of available roofspace for PV due to plant location. Both of these decisions are design decisions rather than technical constraints, although it is acknowledged that this design decision has benefits elsewhere (e.g. daylight).

7.17.3 No clarification was provided regarding the flow/return temperatures or the interconnectivity of the new heating system.

7.17.4 A CHP solution would significantly improve the energy performance of the development and act as an effective transitional technology to a future decarbonised heating solution. However, given the comments provided during pre-app discussions, it is accepted that the developer has not explored this as an option.

7.17.5 The ASHP comments focus on the large electrical draw required to operate the technology. This is accepted, however this is not the same justification presented in the original proposal.

The response notes that the development “will effectively be network ready”. It is strongly recommended that this is secured and that a pipe route and plant room space is reserved via Condition for this to occur in future. This is in line with Policy DM46 in the emerging City Plan Part 2. It should be noted that plant rooms space should be at ground level wherever possible in order to facilitate a future connection.

7.17.6 The explanation for the other scoring sections of BREEAM is welcomed and, given the site’s location and intended use, the justification is accepted.

No further information has been provided regarding the residential parts of the proposals. In the absence of submitted BER/TERs, it is recommended to apply the usual energy/water conditions to ensure that the buildings meet policy CP8. Conditions recommended.

#### **7.18 Sustainable Drainage: Comments**

1. The plans describe discharging surface water onto the landscaped area. We need further information about how this will affect the water volume discharged off the site.
2. There is a need to supply a SuDs Maintenance plan
3. Please supply details about below ground drainage.
4. Clarification of details missing on drawings for site A as to land use

Recommend condition requiring these details within a management and maintenance plan for sites A and B.

#### **7.19 Sustainable Transport: Objection**

Summary of Comments:

The Local Highway Authority (LHA) objects to the proposed development. This is due to a number of significant non-compliances with policy that cannot be obviously mitigated including –

The amount of cycle parking proposed for the college site is under 1/3 of the minimum required by policy TR14 and SPD14. The quality of provision is also sub-standard. Given the suitability of the location to travel by bike the proposed development is considered to not only fail to comply with local policy but also to fail the test in NPPF para 108a to ensure development supports the uptake of opportunities for sustainable travel. Opportunities to mitigate this by supplying further parking off-site are not clear enough to recommend using:

- section 106 to require this as a remedy.
- Whilst the number of accessible parking spaces proposed for the college site is acceptable, these are not located on level ground and therefore do not satisfy policy TR18 or the NPPF inclusive access tests as para 108 and 110. Note that the Applicant has explored options to address this matter during the determination period and the LPA case officer has determined that this is not possible within constraints. As such, whilst the LHA does not agree that the exploration of alternatives has been suitably thorough, it must conclude that no reasonable prospect of revision to

address this matter by condition is possible and therefore recommend refusal.

7.19.1 In the LHA's view, these issues could be addressed were the Application for the college site to be rethought to provide a smaller internal open space and were external space enhancements to be focused instead on surrounding public streetscapes (including in particular Pelham St), as envisaged in the London Road Central Masterplan (SPD10) and policy DA4.

7.19.2 Further, concerns are raised regarding the submitted Transport Assessment (TA). A particular concern is that it lacks a suitably robust and comprehensive estimate of trip generation for different types of transport and related traffic impact assessments - as is required for applications of this kind by policy CP9 and NPPF para 111. The approach to the college site rests on various simplistic and poorly evidenced assumptions. The lack of information about trips by different types of transport, and related satisfactory assessment, leads to reasonable concerns that impact by a number of forms of transport could be so severe that the test for refusal as NPPF para 109 is met. Particular instance include the following –

- Baseline assessments of levels of comfort (crowding) for the footways of Cheapside and Pelham St show that these are close to unacceptable levels and sensitive to change.
- Impact on the road network needs to be assessed owing to greater use of the off-site car parks at Trafalgar St, London Rd and – to a lesser extent – Brighton Station. This is likely to occur because of increased use of these car parks by college staff following the closure of the 118 space on-site college car park. Additional use is also likely by occupants of the residential site, where only 16 spaces are provided for 131 units and it is additionally proposed that a permit-free condition is imposed. Further demand will result if the concurrent Application for a car-free mixed use development at Longley Industrial Estate is approved. This includes 208 residential units. Whilst submitted surveys of the car parks suggest that they have enough capacity to meet the combined demand, new trips will result and existing staff car trips will need to be redistributed, noting that areas of spare capacity in the Trafalgar St car park are only accessible from Blackman St and not the entrance opposite the college site on Whitecross St.
- No reasonable estimate has been provided of delivery and service vehicle movements to the residential site. It is unclear whether the proposed arrangements and layout can satisfy demand whilst maintaining space for safe and inclusive access by pedestrians and cyclists. This includes potential public through-access to the York Place gate if access rights can be resolved (which should be secured as a future provision through a legal agreement). Additionally, in the absence of a highly detailed landscaping scheme, it needs to be shown that a conventional arrangement with protected footways can be provided within the proposed layout for in case a 'shared surface' arrangement

proves unsuitable when landscaping proposals are submitted in future. To allow this flexibility references in the Plans and accompanying documents should be changed from 'shared surface' to 'shared space'.

- Lack of a robust net trip generation assessment also prevents the value of sustainable transport contributions from being accurately estimated, particularly for the college site.

7.19.3 If unaddressed before determination then these matters are likely to provide further grounds for objection from the LHA. It is recommended that any further information submitted to address them assess the impact of the college and residential sites both together and independently.

7.19.4 As already discussed, the proposals also fail respond to some clear policy requirements to provide enhanced streetscapes and pedestrian/cycle connections as part of the London Road Central Masterplan and other policy.

- Unlike the previously secured scheme that would have comprehensively improved Pelham St as a shared space, the new proposals do not respond to SPD10 and policy DA4 requirements to create new and enhanced public realm and pedestrian and cycling connections including, inter alia:
- Creating east-west connections across the sites to link Whitecross St to York Place
- Securing a new, active walking and cycling corridor between London Road and the North Laines via Elder Place, Providence Place, Anne St, St Peters St and Pelham Street.
- No improvements are proposed to Pelham St while those east-west spaces that are created are internal private or quasi-public spaces (being gated all of the time or overnight) and are not connected together by improvements within the highway. In the LHA's view the lack of public access through both sites, and the residential site in particular, might have been justified were compensatory enhancements to Pelham St provided. However, in the absence of these it is recommended that full public access should be sought through the open spaces within both sites via walkways agreement, including access via Trafalgar Court. Note however that the gated access on York Place is not within the Applicant's ownership. Separate agreement with the owner will be needed to secure through-access via this to St Peter's Church.
- Policy TR7 requires development in the vicinity of National Cycle Route 20 to contribute to improving it. This route runs down St Peter's St and Cheapside to St Peter's Church and therefore aligns with the new active pedestrian and cycling corridor discussed above. However, no enhancements to this have been proposed.

7.19.5 However, the LHA notes that its core reasons for objection relate mostly to the college site. In addition to various conditions, a sustainable transport contribution and other legal agreement items, this would be subject to the following.

- Other matters above relating to the residential site being resolved satisfactorily before determination.
- Submission of a revised Site Access Plan along and supporting information in addendums to the TA and Design & Access Statement (D&AS) to explain the access arrangements. Note that whilst an amended version has already been submitted this remains insufficient.
- Details of the locations and types of cycle parking. Only some of the number referred to in the TA is included on the submitted plans. Some access corridors within buildings to cycle stores also need to be widened for the proposals to be acceptable.
- Various section 106 highway improvement works, including a pedestrian improvement scheme for Trafalgar Court to provide access to the new pedestrian entrance on that street for people with limited mobility.
- A Full Travel Plan.

7.19.6 If the LPA is minded to approve the application, further conditions and legal agreement items covering the college site are also recommended. These include a sustainable transport contribution and various off-site highway improvements, both of which should be secured through a section 106 agreement. Notwithstanding any viability assessment the highway improvements are deemed essential to the development being acceptable in planning terms and it is recommended that the application is not approved without these. The most significant example is a scheme to improve Redcross St to provide access for people with limited mobility and to safely accommodate the significant increase in cycle traffic – this being the main access for mobility impaired pedestrians and the only access to the limited cycle parking that is proposed. A Full Travel Plan should again also be secured via a legal agreement.

7.19.7 Finally it should be noted that the new access to the residential site on Pelham St will require the loss of at least 4 shared-use parking bays. This will have financial implications but may be partly off-set by greater use of Council-run car parks.

\*It should be noted that since the applicant received these comments, further submissions and amendments to the plans have been made by the applicant which are under consideration by Officers. Further Transport comments will be provided either on the Late List or verbally reported to Committee.\*

## **7.14 Trees; Comment**

### **7.14.1 Site A**

The proposed landscaping area is predominantly a car park and this application has the potential to affect two large mature sycamore trees, one on site and one off site, protected by tree preservation orders No.6 of 2018 and No.3 of 2009 respectively. These are to be retained during the development and this is to be welcomed.

Overall the arboricultural team does not object to the proposal that retains the protected sycamore trees, provided a strong landscaping scheme, adequate tree

protection, and supervision by an arboricultural consultant is provided. Conditions are recommended to secure this.

#### 7.14.2 Site B

The proposals for this site are in outline only, and landscaping is a Reserved Matter and will therefore be assessed in detail through a subsequent Reserved Matters application. I note that there are no trees located within the site. However, there is one tree (a sycamore) located within the rear garden of the Hobgoblin Pub garden which overhangs the site and will provide important screening. The position of the new buildings and accesses appear to provide sufficient separation from this tree and therefore it is considered that the proposed development would not cause major harm to this tree subject to an assessment by an Arboriculturist. The indicative landscaping scheme includes a number of street trees and trees within communal gardens which are welcomed. The arboricultural team recommend approval of the Site B development.

#### 7.14.3 Conditions are recommended.

### 8. MATERIAL CONSIDERATIONS

- 8.1 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
- 8.2 The development plan is:
- Brighton and Hove City Plan Part One (adopted March 2016);
  - Brighton and Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (adopted February 2017);
- 8.3 Due weight has been given to the relevant retained policies in the Brighton and Hove Local Plan 2005 according to their degree of consistency with the NPPF.

### 9. POLICIES

#### The National Planning Policy Framework (NPPF)

#### Brighton and Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- DA4 New England Quarter and London Road Area
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP2 Sustainable economic development
- 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  
CP21 Student Housing and Housing in Multiple Occupation

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

TR4 Travel plans  
TR7 Safe development  
TR11 Safe routes to school and school safety zones  
TR12 Helping the independent movement of children  
TR14 Cycle access and parking  
TR15 Cycle network  
TR18 Parking for people with a mobility related disability  
SU3 Water resources and their quality  
SU5 Surface water and foul sewage disposal infrastructure  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD5 Design - street frontages  
QD12 Advertisements and signs  
QD14 Extensions and alterations  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External Lighting  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HO19 New community facilities  
HO20 Retention of community facilities  
HO21 Provision of community facilities in residential and mixed use schemes  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste  
SPD06 Trees and Development Sites  
SPD10 London Road Central Masterplan  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards

Supplementary Guidance Notes:

SPGBH9 A guide for Residential Developers on the provision of recreational space  
SPGBH9 Ancillary Update Document  
SPGBH15 Tall Buildings

Additional Guidance

Historic England GPA Note 3

Valley Gardens Conservation Area Study and Enhancement Plan.

North Laine Conservation Area Study and Enhancement Plan.

## **10. CONSIDERATIONS and ASSESSMENT**

10.1 The main considerations in the determination of this application relate to the principle of the net loss of the D1 college floorspace, the absence of purpose built student accommodation within the development, the design of the college building extensions and open space on Site A, the residential development of Site B and its scale, layout and access, affordable housing and viability considerations. In addition, the impact of the development on the character and appearance of the adjoining conservation areas and the setting of nearby listed buildings, impact on the street scene and wider views, neighbouring amenity, noise and anti-social behaviour/security considerations, pedestrian permeability, sustainable transport impacts including cycle parking demand, bus services and highway safety, sustainable energy and air quality considerations, impact on existing trees, and contribution to other objectives of the development plan.

### **10.2 Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

10.2.1 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

### **10.3 Principle of Development**

The principle of the redevelopment of Site B for new housing development was established by the previous (now expired) consent for this site (BH2013/01600), which granted outline consent for up to 125 dwellings. This application seeks to

increase the number of units to up to 135 units. The Heritage Officer commented that the demolition of the Cheapside, York and Trafalgar Buildings was accepted under the previous approval and these buildings were not considered worthy of inclusion on the Local List when it was reviewed in 2015. There is a presumption in favour of new housing development, in view of the current housing land supply as outlined in the above section. The principle of maximising the housing density of the site is supported by the NPPF and the Development Plan. The emerging City Plan Part Two (CPP2) allocates the site for mixed use development, which indicates the site could provide 100 residential units. Whilst CPP2 currently holds no weight, it shows emerging support for the principle of residential development on this site.

- 10.3.1 The principle of the loss of college (D1) floor space was also established by the previous consent (BH2013/01600) because that permission granted a net loss of 18,112sqm D1 education floorspace. This application would result in a net loss of 5,530sqm D1 education floorspace. However, the previous consent has expired and each application needs to be considered on its own merits. Retained Local Plan policy HO20 (Retention of Community Facilities) seeks to retain community facilities which includes education uses. However, the education use is to be retained and consolidated into one building on Site A, and the facilities are to be modernised as part of this development. The policy officer considers that criteria (c) of policy HO20 applies – *“existing nearby facilities are to be improved to accommodate the loss”*.
- 10.3.2 Section 2 above sets out in summary the College’s estates strategy and explains that the college buildings on Site B are not fit for purpose and are not energy efficient. Furthermore, the College is reliant upon the sale of Site B and its redevelopment for housing, to provide funding for the improvement and extension of the college building on Site A. Details of the financial position of the College have been set out in the Viability Report submitted with the application, and the DVS (District Valuation Service) have independently assessed this report and agree that the redevelopment of Site B for housing is necessary in order to enable the College’s development on Site A. Therefore Officers consider that the development does not conflict with the purpose of policy HO20, which is to retain education uses and allow for their improvement, and an exception to this policy has been justified.
- 10.3.3 The principle of the provision of new educational facilities on Site A is specifically supported by retained Local Plan policy HO19, is required by Local Plan policy HO21, and as set out above, is required in order to justify an exception to policy HO20. The site is within DA4 of CPP1, and although the site is not identified as a strategic allocation, the proposed scheme will help to achieve the local priority for improvements to education provision (clause A4), as well as improvements to streetscape and public spaces (clause A7) primarily through the provision of the new public space on the existing car park. The site is also within close proximity of the Lewes Road Development Area covered by Policy DA3 of the City Plan Part One. Policy DA3 sets out how a priority for the area is to enhance the area’s role as an academic corridor by measures including improving further and higher education provision.

10.3.4 The principle of the absence of purpose built student accommodation needs to be considered, as the site is currently allocated for 300 bedspaces of Purpose Built Student Accommodation (PBSA) as part of a wider mixed use scheme in policy CP21 of CPP1 and in emerging policy H1 of CPP2. The previously permitted schemes for the redevelopment of the site both included a significant element of PBSA however no PBSA provision is included in the current redevelopment proposals. The policy officer recognises that the allocation in CP21 derives from a previous, unimplemented permission for the site which predates the adoption of the City Plan Part One, and that the College's aspirations for this site and funding sources have altered since that time. No objection is therefore raised to the lack of PBSA provision in this instance.

## **10.4 Site A – Consideration of the Detailed Proposals**

### Impact on local Heritage Assets, Conservation Areas and Street Scene

10.4.1 The Heritage Officer provided a Statement of Significance, which outlines the local heritage assets, including North Laine and Valley Gardens conservation areas which adjoin the site, listed buildings including the grade I listed St Bartholomews Church to the north and grade II\* St Peter's Church to the east, nearby grade II listed buildings, and locally listed buildings.

10.4.2 Officers are disappointed that the 12 storey Pelham Tower is to be retained and improvements to the tower do not form part of the scheme, and that alterations to the podium represent only a very modest improvement. However, the reduction in the scale of development on Site A from previous consents is justified in the College's estates plan and financial position, outlined in section 2 of this report and in the application submissions.

10.4.3 There are numerous improvements and benefits to the street scene provided by this proposed development. The additional fenestration proposed to the corner of Cheapside and Whitecross St to serve the college restaurant would help to enliven the street scene, enhance natural surveillance and improve this currently bland, corner façade. The canopy over the restaurant entrance would help to identify the entrance and its simple form and modest size (approx. 1m projection and 8m length) would be an unobtrusive addition and would complement the parent building.

10.4.4 The new 'MET' signs proposed on the east and north elevations of the plinth and on the south and north elevations at the top of the existing tower would enliven these parts of the existing building and would improve the legibility of the college, however, separate advertisement consent would be required for these signs.

10.4.5 The list of plans including the improvements to the existing college building can be secured by the standard condition on a consent.

10.4.6 The Heritage Officer considers that the proposed extensions to the college building would be an under-development of the site as they would only half reinstate a building line on Pelham Street, still leaving a very open frontage.

However, as mentioned above, the scale of the development reflects the College's estates plan and financial position, and the application should be assessed in terms of whether the proposals would improve the existing street scene and their overall impact.

10.4.7 The three storey extensions proposed to the existing college building are considered to respect the design, scale and building line of the existing three storey plinth, and would strengthen the building lines in both Pelham St and Whitecross St. It is acknowledged that the street scene could have been further enhanced by building closer to the Trafalgar St properties and thus further reducing the gaps in the frontages on Pelham St and Whitecross St, however, there are limitations to this giving heed to the potential impact on the properties and mature trees to the south, and taking into account the benefits of providing public access through the site in terms of permeability and planning policy aspirations for the site.

10.4.7 The Heritage Officer also objects to the design of the east wing due to the largely blank south elevation and inactive frontage onto Pelham St. He considers that the west wing would be longer and better articulated and a more successful piece of townscape. During the course of the application the plans were amended to lower the ground floor windows on Pelham St (ranging from 0.9m to 1.3m above pavement level) which would improve the visibility at street level into the east wing and would help to activate the street and improve natural surveillance. The central panels on the south elevation would have no windows but the two panels either side would have windows on each floor. Although the addition of windows on the central panels would be welcomed in terms of improved natural surveillance, helping to activate Pelham St and the open space, and in terms of views from Trafalgar St and the North Laine conservation area, it is understood that the future occupier and their needs are known (hair and beauty teaching facilities) which include providing some more private areas, and in the interest of limiting solar gain to the building.

10.4.8 A brick finish is proposed on the extensions with grey aluminium windows and cladding with either a PPC or anodised finish. These materials are used in the elevations of the existing building, which will help the extensions to tie in with the existing building, whilst presenting a modern interpretation of the parent building. It will be important however, to ensure the new bricks and metal window frames and panels sit comfortably alongside the existing building, therefore samples of the external materials, including made up brick panels, should be submitted by condition.

10.4.9 The Heritage Officer considers that the existing surface car park on site A currently detracts from the setting of the North Laine conservation area and welcomes the development of this car park. He considers it would make some contribution towards positively enhancing the conservation area's setting and considers that the new entrance to the site from Redcross Street, and the view along it from Trafalgar Street towards the new college entrance, would represent an enhancement to the North Laine conservation area and its setting, subject to detail. It is currently possible to walk through the surface car park during college opening hours, however there is no dedicated pedestrian route

and the existing open wire fencing around the car park and lack of vegetation detracts from the street scene in Pelham St and Whitecross St. It is disappointing that the comprehensive enhancement of Pelham St which formed part of the 2013 consent, incorporating new paving and street trees, does not form part of the current proposals. However, the open space proposed to the south of the college building would provide dedicated pedestrian routes from Pelham St to Whitecross St and from Redcross St into and out of the open space, improving the permeability and legibility of the site and would 'green up' the space which would benefit the general street scene in this area.

10.4.10 The Heritage Officer commented that he would have preferred the disabled parking bays to have been located on street instead of within the open space. In addition he raised concern about how effectively the unattractive rear elevations of the Trafalgar Street properties would be screened by the fences and planting. However it is considered that this is mitigated to an extent by the retention of the protected Sycamore tree in the southeast corner of the site, the retention of the Sycamore in the southwest corner, and the proposed additional planting along this boundary.

10.4.11 The comments from Sussex Police and Environmental Health recommend that the open space is closed at night, given the anti-social behaviour that is regularly reported in the area. Given that the college is closed at night-time there would be limited natural surveillance of the open space at this time. Although this would reduce the permeability and use of this space, it is accepted that the open space can be secured at night, which will require fences and gates around the perimeter of the open space. Sussex Police make some recommendations of the type, height and nature of this fencing. Officers consider that the gated entrances to the open space will need very careful design in order to avoid appearing forbidding and to provide an attractive, welcoming open space during the daytime. The indicated approach in the submitted plans is supported, but conditions are recommended to secure the detailed design of the entrance gates and fencing. It is recommended that some or all of the artistic component (one of the planning obligations listed in the Heads of Terms) should be spent on the boundary treatments, given their prominence in surrounding streets and the North Laine conservation area.

10.4.12 More detail on the design and materials of the cycle/smoking shelters will be needed as these would be important townscape elements in the entrance from Redcross Street. In addition, in order to ensure that they are of a high quality, durable construction, detailed drawings and samples of materials should be submitted by condition.

10.4.13 During the course of the application, the plans were amended to retain the protected Sycamore tree in the southeast corner of the site. The amenity value of this tree was recognised following the submission of the proposals and it is now subject to a Tree Preservation Order. The amendment was in response to the tree officer's strong objection to its loss, given its amenity value in an area largely devoid of trees. The retention of this large Sycamore, and the other Sycamore in the southwest corner, will maintain valuable screening and is welcomed by the tree officer and the county ecologist for their benefits to

biodiversity and the environment. Officers welcome the proposals to provide a permeable surface within the open space, which will improve the sustainable drainage of the site, and will benefit existing and proposed trees at the site.

10.4.14 The independent review of daylight/sunlight by the BRE commented that the café area and green open space to the south of the college buildings should have been included in the assessment. However, it is considered that the space benefits from open aspects provided by the pedestrian entrances to the south, east and west, and the relatively low level buildings in the immediate vicinity of the site. In addition, shade tolerant species can be selected for the most shaded areas, for example to the north side of the perimeter fencing along the southern boundaries and under the retained tree canopies. The detailed planting plans that will be required to be submitted by the landscaping conditions can ensure that this is taken into account.

10.4.15 The landscaping overall is considered to improve the appearance of the street scene and provide ecological and environmental benefits, subject to the submission of detailed specification of the paving materials, planting and tree protection, which can be secured by condition. Hard landscaping materials will be crucial to a successful space; they should be high quality, durable and appropriate to the surrounding historic streets.

10.4.16 Overall, Officers consider that the Site A development would modestly enhance the setting of the North Laine conservation area, would preserve the setting of the listed building at 96 Trafalgar Street and there would be no significant impact on the settings of the other heritage assets referred to in his comments. The improvements to the existing facades, although modest, would be beneficial, and the extensions would strengthen the building lines on Pelham St and Whitecross St. Although the proposals do not include the comprehensive redesign of Pelham St that was proposed in previous consents, the publicly accessible open space would improve the appearance of the street scene, permeability, legibility and provide a useable amenity space for the college, local residents and visitors.

10.4.17 Impact on neighbour amenity

The proposed college extensions have been assessed in terms of their likely impact on the amenity of the nearest neighbours. A daylight/sunlight report was submitted in support of the application which was independently reviewed by the BRE who concluded that there would be negligible impact on daylight/sunlight to neighbours of Site A as a result of this development. This is due to the distance of the extensions from the nearest neighbours and their height. Although the building and the activity within it would be brought closer to the properties to the south, the extensions would be a minimum distance of 22 metres from the nearest property, and therefore the privacy of occupants of the neighbouring properties would be maintained. Therefore it is considered that there would be no demonstrable harm to the privacy or light to neighbours as a result of the proposed development on Site A.

10.4.18 In terms of potential noise disturbance, there would be limited impact as the development would not increase the number of staff or students at the college, and the public already use the car park as a cut through. However, as the new

open space would provide seating and a more attractive space, there is potential to attract additional visitors to the site. Given the existing anti-social behaviour in this area, particularly in the late evening, it is recommended that the open space is secured at night-time and measures to prevent noise disturbance are put in place. The environmental health officer and Sussex Police have suggested a number of recommendations and conditions to control this including a requirement to submit and agree a management strategy for the open space with the Council, which should be applied to a consent.

#### 10.4.19 Accessibility

The existing college building and car park are on sloping land such that the pavement level on Whitecross St is one storey higher than the pavement level on Pelham Street. The proposed development has addressed this by providing level access into the building from the new southern entrance, and DDA compliant ramped access from the secondary entrance onto Pelham St, and within the building either level, DDA compliant ramped, or lift access would be provided. The relocation of the main entrance from Pelham St to the south elevation would provide a larger spillout area away from traffic and a better arrival experience for staff, students and visitors to the college, including step-free access within the reception area.

Level access is provided into the open space from Redcross St, DDA compliant ramped access is provided from the disabled parking bays and from Pelham St, and stepped access only is provided from Whitecross St. During the pre-application process, providing DDA compliant ramped from Whitecross St was explored and only a very long and convoluted ramp, reducing the planting areas around this entrance and extending far into the open space could be achieved. It was therefore agreed that stepped access only would be acceptable from Whitecross St, given that step-free access is provided at the other two entrances to the open space.

However, given that the Redcross entrance to the open space would provide the only level access from the surrounding streets into the open space, the cycle stores and the building, it is important to ensure that Redcross St can safely accommodate the likely additional pedestrian and cyclist movements at this entrance. This was assessed by the Transport Officer who considered that Redcross St requires improvements in this respect, as detailed in his comments and as outlined in the Transport Impact section below.

#### 10.4.20 Sustainability

The proposed development on Site A gives a total predicted BREEAM score of 66.2%. This falls below the 70% needed for BREEAM Excellent, which is required for major non-residential developments such as this. The sustainability officer is disappointed with the failure to commit to BREEAM Excellent, however during the course of the application further justification for this was provided. One of the limitations is the retention of the existing college building and the prohibitive costs of converting the existing energy system. Also the high energy usage is due to a high percentage of glazing across the development and a lack of available roofspace for PV due to plant location. The sustainability officer commented that both of these decisions are design decisions rather than technical constraints, although he acknowledges that this design decision has benefits elsewhere (e.g. daylight). The sustainability officer considers that given

the site circumstances, the justification for not achieving BREEAM Excellent is accepted in this case. A number of conditions are recommended, including the achievement of BREEAM Very Good at the site.

#### 10.4.21 Transport Impact

The Local Highway Authority (LHA) raises objection to the proposals for Site A due to:

- Lack of cycle parking provision (significantly less than the minimum required by policy TR14 and SPD14) and the substandard quality of provision, and
- The design of the accessible parking spaces as they are not located on level ground and therefore do not satisfy policy TR18 or the NPPF inclusive access tests as para 108 and 110.

- In relation to objection 1 it is important to take into account that there would be a net reduction in college floor space and the College has advised the Council through the application submissions that the number of staff and students at the College will not alter as a result of this development. At present the College advises that there are 36 cycle spaces on site, but that the majority of these spaces are not up to standard (most are provided by a continuous scaffold bar along Pelham St). The applicant proposes 118 cycle spaces for the development. Although SPD14 calculates that the new college building would require 174 cycle parking spaces, it should be taken into account that there would be an increase of 82 cycle spaces. In addition, should more cycle spaces be offered on site, this would be likely to compromise the quality and operation of the open space. This is an important consideration, given that the open space would be publicly accessible from 7am to 10pm.

On balance it is considered that the 118 cycle spaces is an acceptable provision given the site specific circumstances.

- With regard to objection 2, the plans were amended to retain the protected Sycamore tree which is located within the disabled car park. The applicant demonstrated difficulties with achieving level access within the car park due to the need to protect the tree roots and the need to provide DDA compliant ramped access from Pelham St, through the car park and to the open space and into the building. Although a level car park would be desirable, it is considered that providing DDA compliant ramped access from, to and within the car park would be sufficient to enable the safe operation of the car park, based on Building Control standards for 'Access to and Use of Buildings other than Dwellings'. As such, it is recommended that a condition be attached to a consent, requiring the car park and the open space to meet the requirements of the Ramped Access provisions of section 1.26 of Approved Document M Volume 2 ('Access to and Use of Buildings other than Dwellings').

10.4.22 The LHA also raised the following issues:

- levels of comfort (crowding) for the footways of Cheapside and Pelham St are close to unacceptable levels and sensitive to change.
- greater use of the off-site car parks at Trafalgar St, London Rd and – to a lesser extent – Brighton Station are likely to occur as a result of the removal of the surface car park.
- the new proposals do not respond to SPD10, TR7 and policy DA4 requirements to create new and enhanced public realm and pedestrian and cycling connections including, inter alia:
- Creating east-west connections across the sites to link Whitecross St to York Place
- Securing a new, active walking and cycling corridor between London Road and the North Laines via Elder Place, Providence Place, Anne St, St Peters St and Pelham Street.

10.4.23 The LHA recommends that should committee be minded to approve the application, conditions and legal agreement items are attached to a consent. These are set out in the sections below.

## **10.5 Site B – Consideration of the Outline Proposals**

### Scale

10.5.1 The Heritage Officer considers the scale and height of the development to be acceptable. This part of the site immediately adjoins the Valley Gardens and North Laine conservation areas. The development would impact on the setting of the Valley Gardens conservation area by virtue of its partial visibility above the roofline of the York Place terrace from the public space around St Peter's Church and from the footways to the north and east of that space. Towards the southern end of the site the development would be most visible from Valley Gardens, as the York Place terrace is lower and the residential blocks extend eastwards. It would, however, be significantly lower than the existing York Building. The proposed top storey has a sloping roof with dormer windows, which mitigates its intrusiveness and would help to make it appear more as part of the roofscape. Nevertheless, the intrusion of a large modern development above the historic roofline would cause some harm to the setting of the Valley Gardens conservation area. This harm would be 'less than substantial' under the terms of the NPPF. The Heritage Officer considers that the setting of the other heritage assets identified in his comments would not be significantly impacted.

10.5.2 A daylight/sunlight impact assessment was submitted in support of the application and was independently reviewed by the BRE. The results demonstrated that the potential impact of the development on overshadowing/loss of light to neighbouring properties would be limited considering the size of the development. The BRE review explains that this is partly because the development is of a similar height to the existing buildings, and also because taller elements are set back from existing housing.

10.5.3 Only a small number of rooms and windows are expected to have a loss of daylight outside the BRE guidelines. These comprise three rooms in Sanctuary House and one in St Peter's House for which the absolute loss of light would be very small, as they are almost non-daylight currently; eight rooms in 8-30 York Place with a minor impact on daylight distribution; and three more rooms in St Peter's House with a minor to moderate impact on daylight distribution. Loss of daylight to all other dwellings would be within the BRE guidelines and could be classed as negligible and for some there would be significant increases in daylight. Therefore the overall daylight/sunlight impact on neighbouring properties is considered to be minimal and acceptable in this central urban location. The report has not presented results for loss of sunlight to existing gardens, including the garden areas to the north of St Peter's House and at the back of the Hobgoblin public house. However, given the proximity and scale of the existing buildings to these gardens, and the existing shadowing caused by St Peter's House to the south of these gardens, it is considered unlikely that the proposed development would result in significant loss of light to these gardens.

10.5.4 The daylight/sunlight report submitted did not include assessment of daylight and sunlight provision to the new dwellings in the development, which the BRE recommends should be included, at least for a representative selection of rooms on the lowest floors which are likely to be more heavily obstructed. It also did not assess sunlight provision to any proposed open spaces within the new development, which again the BRE recommends should be included. However, it is considered that sufficient separation between existing and new buildings is provided and the indicative internal layouts have been designed so that the least sensitive parts of the building (such as stair and lift cores and cycle and bin stores) are located in what are likely to be the most overshadowed parts of the development, and the indicative floor plans show that many of the dwellings would be dual aspect. Given that the exact position of windows and internal layouts could change through a reserved matters application, it is recommended that a daylight/sunlight assessment is submitted in support of the reserved matters application, to ensure that any overshadowing impact is minimised for the future residents of the site.

10.5.5 The single communal garden proposed on this site is considered to be likely to receive sufficient daylight to suit the purpose, given the lower scale of the buildings on its south side. However, the landscaping details for the communal garden and the other external areas of the site, including the position of lawned areas, trees, planting beds and species, are outside the scope of this application. Therefore it is recommended that a daylight/sunlight assessment informs the landscaping details submission at reserved matters stage.

#### 10.5.6 Access

Step-free access is provided to and within the external areas of the site, with the exception of the fire escape route from block E to Pelham St. It is recommended that an alternative safe and step-free escape route for this block is demonstrated through the reserved matters application, although this is also required through Building Regulations separate to the planning system.

- 10.5.7 Level access is proposed into all the buildings, although for the main block fronting onto Pelham St and Cheapside, level access would only be possible from the rear of the block. All blocks are designed to accommodate wheelchair accessible lifts and residents and visitors to the site would have pedestrian and cyclist access to all parts of the site.
- 10.5.8 The LHA provided comments on the proposals for Site B as set out in summary above. The LHA does not object to the vehicular accesses proposed from Cheapside and Pelham St, subject to the submission of Road Safety Audits, however works on the highway including the removal of parking bays on Pelham St will need to be agreed via s278 agreement, which is included in the Heads of Terms below. The proposed new pedestrian and cyclist entrance from Trafalgar Ct requires works to the highway to improve the access for pedestrians and cyclists. This is also included in the Heads of Terms below. Issues were raised over the lack of information regarding delivery and service vehicle movements to the residential site and resolution of the design of the shared space within Site B is requested, to demonstrate that there would be no conflict between pedestrians and delivery and service vehicles. Tracking drawings were submitted in response to this, and it is considered that the detailed design of the shared space can be assessed at reserved matters state. Lack of public access through the site was also raised and the LHA recommends that public access is provided from Pelham St to York Place if access rights can be resolved. The LHA also raised concern over the design of some of the disabled parking bays which appear to have insufficient space around them and therefore do not meet the standards set out in SPD14. It is considered that this can be resolved through the reserved matters, when details of the landscaping are assessed. The LHA recommends a number of conditions and s106 obligations, which are detailed in the LHA comments. These are set out in the conditions and s106 Heads of Terms below.
- 10.5.9 As referenced above in the pre-application discussions section and noted within the LHA comments, the gated access on York Place is not within the Applicant's ownership and therefore separate agreement with the owner will be needed to secure through-access via this to St Peter's Church. The proposed layout design would allow for this route to be publicly accessible in the future, should the ownership allow it. There are also other considerations that need to be taken into account, including the anti-social behaviour in the area and the provision of high quality, private amenity spaces for the new residents. On balance, in consideration of the site specific circumstances, the proposed private and gated residential development is considered to be acceptable, subject to the conditions and s106 obligations set out below.
- 10.5.10 External Layout  
The layout design was amended through pre-application discussions and it is considered that the external layout proposed would provide sufficient spacing between the blocks and neighbouring properties to provide good amenity for the new and existing neighbouring residents in terms of privacy and outlook. The layout provides a consolidated communal garden at the southern end of the development, which would provide a useable green amenity space for the new residents and would improve the setting of the adjacent locally listed Gloucester

building. The layout would maintain the existing perimeter block design approach, and the parking areas and communal gardens would be to the rear. Each residential block would have an integral cycle and bin store and the indicative internal layout is arranged so that there would be no long corridors.

10.5.11 The Heritage Officer generally supports the proposed footprint of development on Site B, and considers the set-back building line and raised ground floor along Pelham Street to be positive features which, together with the setback top storey, would help to preserve the setting of St Bartholomew's Church in the view northwards. He also considers the creation of an end vista to the view along Trafalgar Court to be a very positive element which would enhance the appearance of the North Laine conservation area, and therefore the detailed appearance of this block will be important at reserved matters stage. The Heritage Officer considers the absence of a physical pedestrian link via the York Place archway is highly regrettable, though it is noted that the layout allows for a potential route through, beneath the residential block, if ownership / rights of way issues can be resolved in future. The view through the archway from York Place will nevertheless remain important and much more detail would be required on this at reserved matters stage, including the hard boundary treatment and the design, articulation and materials of the new east elevation of this block.

10.5.12 The Air Quality Officer also supports the proposed set-back building line on Cheapside and Pelham St, which would provide a wider space for pollutant dispersion, albeit given the proposed residential use of the site, conditions are recommended to protect the amenity of new residents.

10.5.13 It is considered that the external layout proposed is acceptable, subject to the imposition of conditions.

10.5.14 Details of the internal layout are to be submitted through a Reserved Matters application. Given that the BRE advised the submission of a daylight/sunlight assessment of the proposed development (both internal and external areas), it is recommended that this be carried out by the developer to inform the design development of the Reserved Matters, in respect of the internal layout and position of windows, and the location and type of planting and trees for the external areas.

#### 10.5.15 Affordable Housing and Viability

The Housing Officer requests that policy CP20 compliant level of affordable housing is provided on Site B which is 40%, at an appropriate tenure mix (55% affordable rent and 45% shared ownership), appropriate bed size mix and that 10% of the units are wheelchair accessible, in line with the Council's Affordable Housing Brief. The applicant submitted a viability assessment of the development which has been independently reviewed by the DVS (District Valuation Service). The viability assessment and the DVS agree that with both 40% affordable housing and 0% affordable housing there would be a deficit. The deficits differ: with nil affordable housing the applicant estimates a £1,209,000 deficit and the DVS estimates a £1,876,399 deficit.

As such, it is considered that an exception to policy CP20 of CPP1 has been demonstrated in relation to criteria iii of the policy, which states: *“In assessing the appropriate level and type of affordable housing provision, consideration will be given to... iii. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)...”*

10.5.16 However, the DVS recommends that if the viability position improves, either through additional funding sources or through a higher than anticipated sale value of Site B, the viability of the development should be re-tested and should this result in a surplus, that a proportion of this surplus should be provided to the Council as a contribution in lieu of on-site affordable housing provision.

This is generally known as a Review Mechanism and can be secured through a clause in the s106 agreement.

10.5.17 Following discussion with the applicant, the DVS recommends that this Review Mechanism is triggered following the exchange of contracts for the sale of Site B or the point at which the prospective purchaser is committed to the purchase of Site B, to be applied to the College in order to maximise the return on Site B, and calculated as follows:

A – Net Purchase Price\* for Site B

B - Additional Receipts - the agreed net purchase price\* of the Gloucester Building south of Site B

C - £5,000,000 LEP Funding + Any Additional Funding towards the development of Site A known at the time of the Review

D - £21,000,000 Cost of College redevelopment

Surplus/Deficit = (A + B + C) - D

\*Net Purchase price = Purchase Price minus agency fees and legal fees

10.5.18 The DVS recommends that if this Review results in a surplus, it should be split at an agreed % between the parties (the Council and the applicant).

The Council's standard approach is to split any surplus 60:40 in favour of the Council, to be provided as a contribution in lieu towards off-site affordable housing provision. This Review Mechanism has not yet been agreed between the parties, however the applicant has confirmed agreement to the inclusion of a Review Mechanism, in order to provide a commuted sum to the Council towards off-site affordable housing provision, should the financial viability of the scheme allow for this.

## **10.6 S106 Heads of Terms**

### **10.6.1 Site A**

- Measures to satisfactorily address transport impacts.
- Travel Plan (Educational) - related measures/actions, monitoring and enforcement requirements to be determined in relation to extent of mode shift targets and the importance of these to mitigating development impacts.
- CEMP (Construction Environmental Management Plan) to include a temporary parking scheme

- S278 works to close up the redundant vehicular access from Whitecross St and instate the vehicular access from Pelham St, improvement of the pedestrian access across the existing vehicular access into the College building from Pelham St, and remove dropped kerb along footway further south along Pelham St, a signage scheme to direct mobility impaired pedestrians to the Redcross St entrance, improvements to Redcross St in order to provide safe access for the anticipated pedestrian and cyclist movements into and out of the site, a new bus stop for the inter-site college hopper bus and a de-cluttering scheme for Pelham St to relocate or remove street furniture in order to maximise footway widths.
- A Walkways Agreement securing public access daily between 7am and 10pm to the open space and between the proposed entrances on Pelham St, Redcross St and Whitecross St.
- Artistic Component – on site provision to the value of £86,000
- Employment and Training Strategy – requirement to use at least 20% local labour in the construction of the development
- Viability Review - in order to provide a commuted sum to the Council towards off-site affordable housing provision, should the financial viability of the scheme allow for this. Details of the Viability Review mechanism to be agreed.

#### 10.6.2 Site B

The s106 obligations are based on 131 residential units (8xstudio, 56x1bed, 60x2bed, 7x3bed as per accommodation schedule), but the application allows for up to 135 units and a different mix and internal layout to be proposed through the Reserved Matters application. Therefore should a subsequent reserved matters application alter the number or mix of units, these obligations will need to be reviewed. To avoid the requirement for the s106 agreement to be revised through a Deed of Variation, it is recommended that a clause be included within the Heads of Terms to allow for this.

- Review of contributions (sustainable transport, open space, education and economic development) required if the number and mix of units in the related Reserved Matters application alters from: 131 units of mix 8 no. studio, 56 no. 1bed, 60 no. 2bed and 7 no. 3bed
- Measures to satisfactorily address transport impacts.
- Travel Plan (Residential) - related measures/actions, monitoring and enforcement requirements to be determined in relation to extent of mode shift targets and the importance of these to mitigating development impacts.
- DEMP (Demolition Environmental Management Plan)
- CEMP (Construction Environmental Management Plan)
- S278 highway works – including works required by the two vehicular accesses proposed and pedestrian improvement works to Trafalgar Court
- Open Space Contribution - £226,854.95

- Education Contribution - £92,659.20 towards the cost of secondary provision for Varndean and/or Dorothy Stringer Schools.
- Economic Development Contribution – £39,100
- Employment and Training Strategy – requirement to use at least 20% local labour in the construction of the development

## **10.7 CONCLUSION AND PLANNING BALANCE**

10.7.1 The principle of the redevelopment of the college buildings on Site B for housing, to enable the improvement and consolidation of the college campus facilities onto Site A, and the overall net loss of college floorspace, was assessed in terms of the wider estates plan for the MET College and its financial position, and in terms of the College's aspirations and needs for the campus, to modernise the facilities and continue to attract students. It is accepted that the existing buildings on Site B are not fit for purpose, and the Heritage Officer does not object to the demolition of the existing buildings on this site, subject to a high quality design for the replacement buildings. The development of this site for housing is considered necessary in order to fund the improvements to the campus facilities on site A which the DVS concurs with, and the economic and community benefits that this investment into the MET college would bring are acknowledged, and therefore an exception to policies HO20 and CP21 has been justified. The principle of new housing development on this site is also supported by the Development Plan.

10.7.2 The proposed college extensions on Site A are considered to be of a high quality design that respect the architecture and scale of the existing tower and plinth, and although the Heritage Officer raised concerns over the lack of glazing on the eastern wing, it is accepted that the College has specific daylight, heating and privacy requirements for the intended uses within the building and the extensions would nevertheless strengthen the building line and street scene in Pelham St and Whitecross St. It is disappointing that BREEAM Excellent is not targeted, however the sustainability officer accepts the justification for this, including a high percentage of glazing across the development and a lack of available roofspace for PV due to plant location. The sustainability officer acknowledges that this design decision has benefits elsewhere (e.g. daylight) and can accept BREEAM Very Good in this instance. The external alterations to the existing building although modest, would improve the corner façade on Cheapside/Whitecross St and the extensions and fully glazed atrium would greatly improve the southern elevations of the building which are currently quite bland and would improve the view from Trafalgar St through Redcross St into the site.

10.7.3 The proposed extensions and open space to the south would greatly improve the existing surface staff car park in terms of townscape and would improve the permeability and visual amenities of the local area, allowing public access into and through the open space daily from 7am until 10pm. Environmental Health and Sussex Police, as well as some local residents, are keen to secure the open space at night-time and this is considered appropriate here, subject to a high quality design for the perimeter gates and fences.

- 10.7.4 The Local Highway Authority (LHA) whilst generally supportive of the removal of the majority of the car parking spaces and supports the number of accessible spaces to be retained on Site A, is not satisfied with the design of the accessible parking spaces due to the gradient of the parking area, which the LHA considers should be level. The applicant has sought to reduce the gradient but this caused problems with damage to the protected Sycamore tree roots and with connecting the car park to the open space and college building given the level changes across the site. On balance it is considered that the car park and open space should comply with the Building Control standards for 'Access to and Use of Buildings other than Dwellings' which the applicant considers is an acceptable requirement and detailed drawings will be required by condition to demonstrate this.
- 10.7.5 The LHA also objects to the level and quality of cycle parking on Site A. However, it is considered that the significant increase in the number of cycle parking spaces from existing (36) to proposed (118) and no increase in the number of staff or students should be taken into account, as well as the need for the site to provide other facilities in order to create an attractive open space. The detailed design of the cycle stores is proposed to be conditioned so that the quality and usability of the cycle spaces is ensured.
- 10.7.6 The LHA recommends sustainable transport contributions and mitigation measures given that the development is likely to, and should encourage, alternative and sustainable means of travel following the removal of the vast majority of car parking spaces, and given that a significant increase in pedestrians and cyclists would access the site from Redcross St. The measures are set out in the conditions and s106 Heads of Terms.
- 10.7.7 The scale and amount of housing development on Site B was to an extent established through a previous outline planning consent for up to 125 units on this site within buildings up to 6 storeys in height, albeit the consent expired last year. This application again seeks outline consent for up to 6 storeys in height, but for up to 135 units, representing an increase in the number of units. The principle of maximising the housing density is supported by policy CP14, subject to design considerations.
- 10.7.8 Although one of the aspirations of policy DA4 is to improve the permeability of the area, and within SPD10 London Road Central Masterplan a potential pedestrian east-west link from Pelham St to York Place through the campus is depicted and the previous scheme sought to secure this link via conditions and planning obligations, this does not take into account the fact that the gated access onto York Place is not in the College's ownership, and therefore this link can never be guaranteed. Opening up this site to the public was nevertheless explored at pre-application stage, but issues of recent and ongoing anti-social behaviour in the area were raised by a number of parties and public access into the site was causing problems with achieving sufficient amount and quality of green amenity space within the development. Therefore a private, gated community on Site B is considered to be the best solution in this instance and in view of the creation of a publicly accessible open space on Site A which would

green up and improve the public realm, it is considered that the development as a whole would provide a net gain in terms of the regeneration of the area and improvements to the urban realm, and therefore comply with the aims and aspirations of policy DA4 of CPP1 and SPD10.

10.7.9 The application was also assessed in terms of the matters to be considered in this outline application, namely the pedestrian and vehicular accesses, the external layout (building footprints and position of buildings and external areas), and the scale of the development. The assessment included the potential impact on daylight/sunlight to neighbouring properties, outlook, amenity and privacy of future occupiers and neighbours, trip generation and car and cycle parking provision, servicing and deliveries, vehicular accesses, and potential impact on the highway and infrastructure improvement and mitigation requirements including highway improvement works, and education, economic development, and open space contributions. The proposed development of Site B is considered to be acceptable subject to compliance with the recommended conditions and s106 obligations. The reserved matters of internal layout, landscaping and appearance would need to conform to the parameters set by the outline proposals, and an accompanying assessment of daylight/sunlight to internal and external areas should be submitted in support of the application.

**10.8 In the event that the S106 agreement has not been signed by all parties,** the application shall be refused for the following reasons:

1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.