

<u>No:</u>	BH2020/00550	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Greater Brighton Metropolitan College Pelham Street Brighton BN1 4FA		
<u>Proposal:</u>	Reserved matters application pursuant to Section 73 outline permission BH2020/00326 (Application for variation of conditions 50 and 58 of application BH2018/02607) (Original Permission for Site A Redevelopment and extensions of existing college. Outline Application Site B Demolition of existing buildings and erection of up to 135 residential units (C3 use) at maximum 6 storeys) for approval of appearance, internal layout and landscaping relating to 135 new residential units at Site B (East of Pelham Street). (Amended plans).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	20.02.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	21.05.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	Fishbourne Number 3 Ltd C/o ECE Planning Ltd 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** the Reserved Matters subject to the following Conditions and Informatives and a Deed of Variation to the existing S106 Agreement dated 27th March 2019 as set out hereunder, **SAVE THAT** should the Unilateral Undertaking Planning Obligation not be completed on or before 5th May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of this report:

s106 Heads of Terms

- Education Contribution - £110,351
- Local Employment Scheme Contribution - £42,700
- Recreation Contribution

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
Proposed Drawing	2117-TF-00-00-DR-L-1003		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1004		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-1005		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-2001		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-2002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3001		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3002		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3003		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3004		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-3005		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4101		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4102		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4103		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4104		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4105		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4106		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4107		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4108		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4109		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4110		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4201		19 October 2020
Proposed Drawing	2117-TF-00-00-DR-L-4202		19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2202	P17	19 October 2020

Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2201	P19	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2104	P4	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2203	P16	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2204	P16	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2205	P15	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2301	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2302	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2303	P6	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2310	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2311	P8	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2312	P6	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2310	P4	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2315	P5	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2320	P3	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-	P2	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-2322	P2	19 October 2020
Proposed Drawing	19034-HNW-ZZ-ZZ-DR-A-	P4	19 October 2020

2. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The drainage system shall thereafter be implemented and maintained in accordance with the approved details.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details showing the type, number, location and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the rainwater goods, soil and other waste pipes including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the feature brick panels including 1:20 scale sample elevations have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. Notwithstanding the proposed artificial grass within the courtyard gardens of the 4no. proposed maisonettes (units 128-131) hereby approved, prior to occupation of the development hereby permitted, details of an alternative courtyard surface, with paving and planting beds with shade tolerant species, shall be submitted to

and approved in writing by the Local Planning Authority. The courtyard gardens shall be implemented in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site (and visual amenity of the locality) in accordance with policies CP10 and CP12 of the Brighton & Hove City Plan Part One.

8. Notwithstanding the submitted planting specification details, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
 - d. a planting management and maintenance plan, including opportunities for community managed spaces for gardening or food growing clubs;
 - e. alternative planting in the southern courtyard to provide filtered visual screening.

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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 & QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of improvements to the average daylight factor within Units 94 (5th floor Block A) and 121 (3rd floor Block B), by way of enlarged glazed panels and/or removal of opaque panels, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

10. Prior to occupation of the development, an updated/revised Delivery and Servicing Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements, shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies

SU10, QD27 and TR7 of the Brighton & Hove Local Plan. 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.

11. The development shall be carried out in accordance with the submitted acoustic report (Acoustic Associates Sussex Ltd dated 31/01/2020) as required by Condition 47 of application BH2020/00326 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.
12. The development shall be carried out in accordance with the submitted daylight and sunlight report (Anstey Horne dated 14/02/2020 and addendum dated 04/11/2020) as required by Condition 48 of application BH2020/00326 and retained as such thereafter.
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.
13. The development shall be carried out in accordance with the submitted Air Quality Assessment (Phlorum dated February 2020) as required by Condition 50 of application BH2020/00326 and retained as such thereafter.
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.
14. The development shall be carried out in accordance with the submitted energy and sustainability report (Hoare Lea Revision 01 dated 10/02/2020) as required by Condition 51 of application BH2020/00326 and retained as such thereafter.
Reason: In order to meet sustainability objectives, and to comply with policies DA4, CP8 and CP10 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 relevant conditions upon the outline planning permission still require approval of details.
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove,

Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is reminded by the County Ecologist that, as recommended in the Bat Survey Report (Phlorum, July 2018) approved under application BH2018/02607, a precautionary approach to site clearance should take place for demolition as the existing buildings retain the potential to support roosting bats.

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. The buildings on Site B vary in height up to three and four storeys, which is more akin to five/six storeys residential because of the large floor-to-ceiling heights. They are primarily faced with 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 that occupied the site, and have been supplemented by workshops, halls, 'temporary' classrooms and storage sheds.
- 2.3. Site B is bounded by Pelham St, with 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.
- 2.4. An arched entranceway of brick with limestone spacers occupies 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.
- 2.5. The site is in a highly accessible, sustainable location: it is approximately 350 metres' distance from Brighton Station, immediately to the north of the North Laine shopping centre, and within 100m of the London Road shopping centre 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. RELEVANT HISTORY

- 3.1. Pre-application: The development has been influenced by pre-application feedback from officers in relation to, amongst other issues, the quality and quantity of private and shared amenity space, the articulation and materiality of Block A (including the southern 'bookend'), deliveries/servicing, and the layout/use of the outdoor spaces around the buildings.
- 3.2. BH2020/00326 Application for variation of conditions 50 and 58 of application BH2018/02607 (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. 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)) in order to remove the requirement for hermetically sealed windows to Site B and to alter the permitted vehicular access arrangements to the courtyard in Site B - Approved 30/07/2020
- 3.3. BH2019/02264 Non-Material Amendment to BH2018/02607 for the addition of louvres & window openings to Building B, removal of mechanical/ventilation roof units, alterations to pitch of rooflights, replacement of two flights of stairs with single flight and changes to handrail spacing on external staircases to public open space (Site A) - Approved 15/10/2019
- 3.4. BH2018/02607 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. 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) - Approved 27/03/2019

4. APPLICATION DESCRIPTION

- 4.1. Outline permission was granted on Site B for the demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at a maximum of 6 storeys with vehicular accesses and car parking. All matters were reserved except access, external layout and scale (ref. BH2018/02607).

- 4.2. The s106 legal agreement secured the following:
- Review of contributions in the related Reserved Matters application if the number and mix of units is altered.
 - Measures to satisfactorily address transport impacts.
 - Travel Plan (Residential).
 - DEMP (Demolition Environmental Management Plan).
 - CEMP (Construction Environmental Management Plan).
 - S278 highway works
 - Contributions for Open Space, Education, and employment
 - Employment and Training Strategy
- 4.3. A subsequent S.73 application (ref. BH2020/00326) was approved to vary conditions of application BH2018/02607, removing the requirement for hermetically sealed windows, and to alter the permitted vehicular access arrangements to the courtyard.
- 4.4. The present application is for the reserved matters pursuant to Section 73 outline permission BH2020/00326 relating to 135 new residential units at Site B. The application seeks approval for the following remaining outstanding reserved matters:
- Appearance;
 - Internal layout; and
 - Landscaping.
- 4.5. Following receipt of consultation comments, the applicant submitted amendments including improved vehicular access enabling increase of communal amenity space, biodiversity improvements including biosolar roof, enhanced drainage strategy, changes to cladding colour, introduction of brick panels, and inclusion of inset balconies within improved Block A southern 'bookend'.

5. REPRESENTATIONS

- 5.1. One (1) letter of representation has been received objecting to the proposed development for the following reasons:
- Overdevelopment
 - not conserving the existing buildings
 - additional traffic
 - the lack of character of the design of the proposed building
- 5.2. Conservation Advisory Group object to the application for the following reasons:
- The loss of the Trafalgar and York buildings should be resisted as they contribute greatly to the character of this area, and contribute to the visual back drop behind historic York Place;
 - The replacement should be limited to the 1930's Cheapside Building

6. CONSULTATIONS

External

- 6.1. **Brighton and Hove Archaeological Society:** No objection Note site is in an area of archaeological sensitivity; number of finds dating to the Roman period including a cemetery have been found close by, along with Roman coins during the creation of St Peter's Church. Possible that vestiges of this ancient landscape, and other associated finds may still be present. Suggest contact County Archaeology.
- 6.2. **County Archaeology:** No objection Although site within Archaeological Notification Area, not believed any significant archaeological remains likely to be affected by proposals. No further recommendations.
- 6.3. **County Ecologist:** No objection Ecological Design Strategy (EDS) submitted with the application (Phlorum, February 2020) is broadly acceptable. Landscape proposals broadly acceptable, with nearly half of the proposed species listed in SPD11 as species which are either native or of known wildlife value. Further details required for courtyard garden surface and details of bird boxes.
- 6.4. **Southern Water:** No objection Design of proposed basements and on-site drainage system should consider possibility of surcharging within the public sewerage system to provide adequate protection to basements from the risk of flooding. Condition required for measures to divert the public sewers/water mains. Informative recommended noting need for applicant to seek approval from Southern Water for details of the proposed means of foul sewerage and surface water disposal, and an application for connection to the water supply.
- 6.5. **Sussex Police:** No objection Further crime prevention comments are not required. Comments from outline application still apply including suggestions of access gate, lighting, and communal door access. Recommendations provided for tree and planting heights to enable natural surveillance, balconies to provide balustrading, and suggest the gates and side panels also allow natural surveillance.
- 6.6. **SGN:** No objection Note informative regarding safe digging practices to verify and establish the actual position of the mains, pipes, services and other apparatus on site.
- 6.7. **SSE Utility Solutions Ltd:** No objection No records of any owned apparatus within the specific search area.
- 6.8. **UK Power Networks:** No objection Note should be contacted if excavation would affect Extra High Voltage equipment
- 6.9. **Air Quality:** No objection Note ventilation is key to mitigating the risk of in-street pollution impacts on the health of future residents. The ventilation system should consider how passive-hybrid can reduce energy demands, moving parts

and reduce the risk of future failure. Any mechanical system shall set out a guarantee of how this will be maintained and sustained in future years.

- 6.10. **CityClean:** No objection Provision for access, capacity and containment of waste sufficient.
- 6.11. **City Regeneration:** No objection. The revised contribution, based on the council's Technical Guidance for Developer Contributions, is £42,700
- 6.12. **Education:** No objection No contribution required in respect of primary education places as there are sufficient primary places in this part of the city and the city overall.
- 6.13. Contribution of £110,351.20 sought towards secondary provision as development is in the catchment area for Varndean and Dorothy Stringer Schools, which have no surplus capacity, with secondary pupil numbers rising. Any funding secured for secondary education in the city will be spent at either Varndean and Dorothy Stringer Schools.
- 6.14. **Environmental Health:** No objection
- 6.15. **Heritage:** No objection Proposed design welcomed as appropriate in proportion, articulation and materials. Revisions to the elevations improve proportions and visual interest of elevations; use of inset balconies to the corner of the southern 'bookend' (to Building A) would appropriately give this greater vertical emphasis and improve oblique views from Trafalgar Street by creating a 'cleaner' view. Revised elevation to the east as seen from York Place, through the historic archway, would be better proportioned and enlivened. No objections hard/soft landscaping. Details of entrance gates welcomed as being of appropriate design quality and distinctiveness. The further provision of design details in general is welcomed.
- 6.16. **Private Sector Housing:** Comment Proposal ideally would have means of escape from bedrooms without going through living room/kitchen/diner. Suggestion to separate hallway and kitchen/living rooms.
- 6.17. **Sustainability:** No objection Development amply meets the requirements of CP8 for a reduction of carbon emissions above Building Regulations Part L. The requirement to achieve a water efficiency of 110 litres /person / day are also met. Heating and hot water is proposed to be provided by direct electric heaters which is not the most energy efficient, and air source heat pumps are recommended.
- 6.18. **Transport:** Objection Proposed long-stay cycle parking stores considered too cramped for convenient access; include two-tier storage; external access convoluted; fob entrance for main gates acceptable in principle. Loading bay too narrow, impractical for drivers, would obstruct pedestrian access. Design of the gate/access at Pelham St should be revised to improve delivery and servicing arrangements. Some gradients do not comply with BS 8300. Some access ramps to buildings too narrow. Number of disabled parking bays acceptable, but some issues with design/access. Delivery Service Management Plan confirms

all movements will occur internally within the courtyard, with vehicle access via the Pelham St entrance, but there are concerns about detail of management. Motorcycle parking acceptable. Bollards on footway outside pedestrian-only entrance on Cheapside welcomed.

- 6.19. **Urban Design Officer:** Objection Diverse mix of unit types and sizes, well-defined landscape character areas; applicant has engaged with urban design feedback, positively addressing previous concerns. Some concerns remain regarding ratio of single-aspect units, circulation spaces for social interaction, and number of dwellings benefitting from private amenity space. Recommend community managed gardens, privacy in shared amenity spaces, replacement of artificial lawn and further enhancement of inset balconies to Block A.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

(Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on the 30 October 2020.

DM1 Housing Quality, Choice & Mix

DM18	High Quality Design & Places
DM37	Green infrastructure and nature conservation
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables
DM46	Heating and cooling network infrastructure
H1	Housing Sites and Mixed Use Sites

Brighton & 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

Brighton & 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
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
HO20	Retention of community facilities
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 & Demolition Waste
SPD06	Trees & Development Sites
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH15	Tall Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. Planning permission is sought for reserved matters of the approved outline scheme reference BH2020/00326 (original ref. BH2018/02607). Matters seeking approval are:
- Appearance;
 - Internal Layout;
 - Landscaping

- 9.2. Details relating to access, external layout and the scale of the development formed part of the original outline planning permission (BH2018/02607).

Planning Policy:

- 9.3. The principle of development has already been established through approval of the outline planning permission BH2018/02607 and therefore does not form part of the consideration of this current application.

Outline Permission:

- 9.4. The s106 sets out that any subsequent Reserved Matters application that alters the indicative number or mix of units from the submitted accommodation schedule would trigger a review of items such as housing mix, trip generation and s106 contributions. These issues are considered within the report below.

External Layout:

- 9.5. The drawings indicate minor changes to the approved external layout (footprint and ridge height). However, the proposals are considered to fall within the parameters of the outline permission.

Proposed Mix:

- 9.6. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city, including extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.

- 9.7. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period:
- 25% for 1-bed units;
 - 35% for 2-bed units;
 - 30% for 3-bed units; and
 - 10% for 4-plus bed units.
- 9.8. In terms of the demand for market housing, the greatest demand is likely to be for 2- and 3-bed properties (36% and 34% respectively).
- 9.9. The s106 obligations attached to the outline permission are based on 131 residential units, as set out in the accommodation schedule, namely:
- 8 x Studio;
 - 56 x 1-bed;
 - 60 x 2-bed; and
 - 7 x 3-bed
- 9.10. However, the permission allows for up to 135 units, and for a different mix and internal layout through the Reserved Matters application. At Outline stage, it was noted that the proportion of one bedroom and studio apartments in this indicative breakdown was rather high compared to the analysis of the city's need and that this would need to be fully justified within the reserved matters application.
- 9.11. This Reserved Matters application proposes 135 units with the following mix:
- 1 x Studio
 - 57 x 1-bed
 - 65 x 2-bed; and
 - 12 x 3-bed
- 9.12. This is considered to be an appropriately broad mix. Although the mix is skewed away from the provision of 3-bed units, the proposal satisfactorily increases the amount of 2- and 3-bed units to that which were approved indicatively at Outline stage.
- Developer contributions:
- 9.13. Developer contributions are sought in accordance with policy objectives set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 9.14. Schedule 8 of the s106 states that if the number and mix of units in the related Reserved Matters application alters, then the Owner shall pay the Council the reassessed contributions prior to commencement of Development on Site B.

- 9.15. Developer contributions are requested for the following:
- Education Contribution - £110,351 (towards the cost of secondary provision);
 - Local Employment Scheme Contribution - £42,700 (for the delivery of the Council's Local Employment Scheme);
 - Recreation Contribution.

Internal Layout:

- 9.16. Developments are required to be carefully designed and managed to ensure that residential and other occupiers of the sites will have an appropriate level of amenity. Policy SA6 sets out the requirement for a mix of dwelling sizes, and through City Plan Part 2 Policy SA6, while Draft Policy DM1 represents the direction of travel and provides a reference point for minimum sizes to be delivered.

General Layout:

- 9.17. An internal circulation system is proposed for the two blocks, resulting in all units being accessible from a shared main entrance. The 4no. town houses, 4no. maisonettes and 4no. garden flats would have their own main door access.
- 9.18. As considered above, the diverse mix of unit types and sizes is considered acceptable. Block A would front Pelham Street, with an entrance at upper ground floor level, and would include four maisonettes accessed via individual main doors. Block B would be accessed from the lower ground floor level.
- 9.19. Step-free and ramped access is provided within the site. All new-build residential units have been designed to meet Part M4(2) of the Building Regulations, with 5% of the overall units (including 10% for the affordable units) to meet the wheelchair accessible standard within Part M4(3)b.

Proposed Unit Layout:

- 9.20. The Local Planning Authority does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: Nationally Described Space Standards (NDSS) published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. The proposed units would all exceed Nationally Described Space Standards.
- 9.21. Single aspect units (i.e. units with windows facing only in one direction) can present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. However, the site is constrained so avoiding single aspect units entirely is unachievable, and has already been accepted in principle through the approved external layout. The fifth floor units are longer and shallower in plan as a result of the set-back from Pelham Street, so the single-aspect nature of these units would not significantly harm living standards.
- 9.22. The Urban Design Officer raises concern regarding the quality of circulation spaces which include long corridors that would not benefit from natural light. The

applicant has stated that the proposed layout requires a single point of entry into Block A in order to provide a fully accessible entry, given the constraints of a having a level access into the building. Although it is unfortunate that an increase in stair cores could not be provided to improve the internal layout, the constraints of the site are acknowledged, and at any rate, it is considered that these concerns do not outweigh the benefits the scheme provides.

- 9.23. The proposed single aspect units elsewhere within the development are considered, on balance, to be acceptable, given the constraints of the approved external layout and the benefits of providing fewer entry points to the buildings which rationalises the routes to the communal facilities.

Outdoor Amenity Space:

- 9.24. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space within new residential development. The policy notes that schemes should aim to provide private amenity space through balconies and/or garden space, highlighting that a sense of ownership of external space is important to any home but especially important to high density residential schemes such as the present proposal.
- 9.25. Emerging City Plan Part 2, Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
- 9.26. Private balconies are proposed to many units, and private gardens are proposed to the maisonettes within Block A and for the ground floor unit within Block B. Following advice at pre-application stage and advice from the Urban Design Officer, the applicant has explored ways of improving the quality and quantity of both private and communal amenity spaces within the development, and note that the total areas of private and shared amenity space now exceed what was proposed in the indicative layout
- 9.27. The ratio of dwellings with private external amenity space is now 41%, which is considered acceptable on balance, given the requirement to also reduce adverse impact from balconies on internal lighting levels. The proposal therefore provides a balance between provision of private amenity space, and achieving minimum standards of daylight within primary rooms. The positioning of balconies and windows would also limit overlooking and loss of privacy between units.
- 9.28. The communal outdoor space provided would now include a number of open spaces around the site. A communal fourth floor roof terrace is proposed to Block A, providing four distinct private areas for use. Public open spaces are proposed to the east and south of the site. Additionally, internal amenity space is proposed in the form of a residents' lounge and gym. Overall, the communal external amenity areas are considered to be of high quality.
- 9.29. Given the character and density of this form of development, and the surrounding urban context where many flats have limited or no private outdoor

space, the overall provision within this proposed development is considered, on balance, to be acceptable. To mitigate this, the proposed residential development is required to provide open space and sports provision by way of developer contribution in accordance with the policies CP16 Open Space and CP17 Sports Provision.

Daylight/Sunlight:

- 9.30. As noted above, planning policy supports the provision of balconies for private amenity space is supported where possible, but it also notes the need to minimise the loss of daylight and sunlight protruding balconies may cause.
- 9.31. The applicant has submitted a Daylight & Sunlight Assessment to assess the levels of daylighting and sun lighting to all habitable windows in the buildings. This has been independently evaluated by the BRE by reviewing the scope and methodology, text and conclusions of the report.
- 9.32. Daylight provision is considered to be reasonable with 90 of the 134 living/kitchen/diners meeting recommendations, and a further 25 meeting recommendations for living rooms. Bedroom compliance is better, with 213 of the 223 bedrooms meeting minimum standard. The BRE highlighted the main areas where daylight level would be lowest which is the west side of Block A (Pelham Street elevation facing existing college building) and north side of Block B (facing the southern elevation of Block A). Sunlight provision is also constrained due to neighbouring buildings in close proximity, and the BRE have noted that improvements to sunlight levels would require major changes to the approved external layout or removing balconies.
- 9.33. These constraints are noted as accepted given the approved external layout and scale of the development, as well as the requirement for some balcony provision on the buildings. The BRE have suggested enlarging glazed areas in some positions, and a condition is therefore recommended to improve the average daylight factor within Units 94 (5th floor Block A) and 121 (3rd floor Block B).

Noise:

- 9.34. The applicant has submitted an Acoustic Report (Acoustic Associates Sussex Ltd) as required by Condition 47 of Outline application BH2020/00326. The report concludes that appropriate glazing and trickle vents are required to appropriately reduce the internal noise levels. Up-rated or acoustic glazing will be required for the units nearest Cheapside and Pelham Street.
- 9.35. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

Appearance:

- 9.36. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in Policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development

in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

- 9.37. The appearance of the development has been shaped by pre-application advice highlighting the need for the buildings to have regard to the historic context of nearby conservation areas and locally listed buildings, as well as the character and materiality of the existing neighbouring buildings. The development uses vertical emphasis, projecting balconies, ground floor plinth (ground floors with a distinguishable appearance), set back top storey, and feature brick panels to add texture and to avoid uniformity. The Pelham Street elevation is bookended by taller elements with inset balconies to give prominence to the corners of the development. The legibility is further enhanced with differing sections of dark, light and buff brick brickwork elements.
- 9.38. Following pre-application advice, additional glazing and balconies were introduced to Block A (fronting Pelham Street). It is understood that projecting balconies are part of the key themes of the design of the development and that they open up Pelham Street by creating more space between building and street. The overall design approach to the Pelham Street and Cheapside elevations is welcomed as being appropriate. The street elevation appearance of Block A is now considered appropriate in proportions, articulation and materials. The design of the southern 'bookend' to Building A and the elevation to the east as seen from York Place are successful in terms of their proportions and enlivened views of the building from street view.
- 9.39. The applicant states that the design uses vertical emphasis within the external detail and fenestration to visually divide the buildings into separate distinguishable elements. This approach is considered appropriate and provides visual interest with variations of colour, tone and texture of material.
- 9.40. The fabric-first approach to the building envelope allows the proposal to achieve a 45% reduction in carbon emissions over Part L 2013 regulations; exceeding the minimum policy requirement of a 19% reduction. This is considered to be a welcomed attribute to the scheme

Impact on the setting of nearby Conservation Areas and Listed Buildings:

- 9.41. The site lies close to two conservation areas, 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. A number of listed buildings lie in the vicinity of the site, most notably the grade I listed St Bartholomew's Church to the north, and the grade II* listed St Peter's Church to the east.
- 9.42. The Heritage Team recommend approval following the revisions to the elevations which has improved the proportions and visual interest. The further provision of design details in general is welcomed by the Heritage Team. It is considered that the improvements to the 'bookend' approach to Block A on each corner, and the active frontage of the southern corner at ground floor level, are now sympathetic to the surrounding context. The Heritage Team have noted the Cheapside elevation as particularly effective in townscape terms.

- 9.43. The south elevation of Block B would be visible to the south from Trafalgar Court, and this part of the development is considered to provide a suitable end stop to the view. The courtyard elevations here, including the articulated rhythm of the townhouses, would provide an attractive backdrop to the green space.
- 9.44. The east end elevation of Block B would be visible above and through the historic York Place archway. The revised elevation to the east includes feature brick panels and alignment of dormer with windows, and would now be appropriately proportioned. The design of the roof level of this Block (where it is angled back in mansard form) provides visual interest where glimpsed above the roofline of the historic buildings on York Place.
- 9.45. The Conservation Advisory Group have objected to the application due to the loss of the Trafalgar and York buildings. However, it should be noted that this is not a material consideration as the loss of the existing buildings has already been approved in the outline permission, and the principles of development are not for re-consideration in this application.

Detailing and Materials:

- 9.46. The contextual analysis presented within the design information sites a wide range of materials, colours, terrace styles, brick laying patterns, vertical repetitive bays and elevational motifs, all as part of a contemporary style.
- 9.47. The proposed materials are considered to be sympathetic to the existing context, and subject to submission of samples by condition. The principle of face brick as the primary material is successful and relates well to context. The tonal palette has been updated to be more varied and relating well to context. There is more detailed consideration of lighter and darker brick tones that relate well to the context. Small elements of coloured panelling have been added for texture.
- 9.48. The details of the entrance gates are welcomed as being of appropriate design quality and distinctiveness. The hard landscaping materials as proposed are generally consistent with the materials to be used on the public space on site A (the College site).
- 9.49. Details of the materials, by way of samples to fully assess appearance and texture, are required by condition.

Public Realm/Landscaping:

- 9.50. The outline planning permission secured the details of access to Site B, and the subsequent S.73 permission approved Cheapside as access for pedestrians only, with Pelham Street as the sole means of vehicle and cycle access (for residents, visitors, servicing and deliveries). The proposed layout would divert vehicles from using the Cheapside access, which is a benefit to the scheme as it was problematic on safety grounds due to the narrow width of the street, and its use by buses. The proposed layout of the outdoor spaces within the site would allow a single point of vehicle access at Pelham Street which is considered an improvement to the proposed development in terms of transport operation. The transport impact is considered further below.

- 9.51. The proposal includes a full landscaping strategy to accommodate both public and private spaces within the available non built areas of the site. The proposals have positively evolved following pre-application advice and recommendations from consultees, and the site layout now offers a balance of functional operation of the site and aesthetic design for future occupiers. The limited space on the site is acknowledged, however the applicant has revised the landscape proposals to positively address comments from the Urban Design Officer.
- 9.52. The south courtyard now includes three smaller, identifiable zones which would allow for potential private use by residents, subject to planting secured by condition. The area east of the primary vehicular access route has been identified as a car-free shared surface to be used as a hard surface for play, and accessible by refuse and emergency vehicles when required.
- 9.53. A green roof system is proposed to reduce water run-off, including a biosphere roof on Block A and sedum roofs elsewhere. The sustainable drainage systems (SUDS) strategy has been upgraded to include rain gardens at ground level. Amendments have been made to the planting palette increasing biodiversity on the site in soft landscape areas, most notably to the east-west route through the site, and climbing plants between parking bays to the east of Block A.
- 9.54. Notwithstanding the details already submitted, full details of the landscaping scheme, including the suggestions by the Urban Design Officer for community management of planting beds and omitting artificial lawn, are required by condition.
- Impact on Amenity:**
- 9.55. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.56. Whilst the proposal would generate a certain amount of noise from private and communal amenity areas within the development, and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is noted that the principle of the site's development has been agreed through the grant of outline planning permission, and is not considered that any potential noise disturbance would be significant.
- 9.57. In terms of the potential for overlooking/loss of privacy, the proposed south and east elevation upper floor windows would result in some overlooking towards neighbouring properties. However given the distances involved and that it would be expected that there would be some mutual overlooking between flats in a residential area, the potential overlooking and resultant loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.

- 9.58. As the scale and external layout of the buildings have been approved, the impact of daylighting/sunlight on neighbouring properties has been considered within the Outline application BH2018/02607.
- 9.59. The existing s106 requires a Construction Environmental Management Plan CEMP to be submitted.
- 9.60. Overall, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents and would comply with saved policies SU10 and QD27 of the Local Plan.

Sustainable Transport:

- 9.61. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 9.62. Transport Officers have raised various queries relating to the location of cycle stores, loading bay arrangements, gradients of access ramps, and management of deliveries.
- 9.63. As referred to elsewhere in the report, the outdoor spaces within the site are required to provide attractive and usable communal spaces, car-free spaces, and opportunities to increase biodiversity. The site is also required to provide operational solutions to refuse/recycling storage and pickup, and access for emergency vehicles. The applicant has positively responded to the significant highway issues, where the constraints of the site allowed for improvements. It is considered that no material transport issues remain outstanding that would affect highway capacity or road safety to an extent as to warrant refusal of the application.
- 9.64. It is considered the proposed layout is the best compromise which both conforms to local design guidance and also delivers an appropriately detailed site.

Car Parking:

- 9.65. A total of 10no. car parking spaces are proposed and therefore the proposal provides the required level of parking agreed within the Outline application. Entitlement to residents' parking permits is removed by condition in the Outline application BH2018/02607. Condition 37 of Outline application BH2020/00326 requires a Car Parking Management Plan to be submitted.

Cycle Parking:

- 9.66. The cycle parking scheme for 135 'long stay' (resident) cycle spaces and 46 'short stay' (visitor) spaces (181 in total) is considered sufficient. The Highway Authority have raised concerns in relation to the configuration and access of the cycle stores. However, these are considered insubstantial, and given the constraints of the site layout, not so significant as to warrant refusal of the application on this basis. Condition 38 of Outline application BH2020/00326 requires further cycle parking details to be submitted.

ul Deliveries/Serviceing:

- 9.67. A Delivery & Service Management Plan has been submitted, which is required under Condition 49 of Outline application BH2020/00326. The Local Highway Authority have raised concerns about the usability of the loading bay for some vehicles. Given the constraints of the site, it is considered that significant alterations to the loading bay are not required, however details of hard landscaping are further required by condition. As minor details are subject to change, an updated/revised Delivery & Service Management Plan will be required by condition.

Sustainability:

- 9.68. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy encourages all new development to address the One Planet Living principles at the earliest opportunity during the design process. These principles include zero carbon, sustainable transport, sustainable materials (locally sourced, low carbon), local and sustainable food, and protection and enhancement of biodiversity.
- 9.69. The Outline permission BH2020/00326 is conditioned to be in accordance with Policy CP8 which sets out minimum energy and water efficiency standards required to be met for all residential developments:
- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations (Condition 45 of Outline application BH2020/00326)
 - Water efficiency standards of 110 litres/person/day (Condition 46 of Outline application BH2020/00326)
- 9.70. The applicant has submitted a Energy Strategy Report, which is required by Condition 51 of Outline application BH2020/00326, and states that the 'energy strategy has addressed the key elements of the Brighton and Hove City Plan in relation to energy and will make a positive contribution to reducing the City's CO2 emissions'.
- 9.71. As referred to elsewhere in the report, the development building fabric incorporates good passive measures, most notably triple glazed windows and low air permeability. This leads to a 45% reduction in carbon emissions over Part L 2013 regulations. Although air source heat pumps have been recommended to be used by the Sustainability Officer, these would have impact on the outdoor space, and therefore the use of alternative heating is acknowledged as not ideal in this instance.
- 9.72. A bio-solar roof is proposed on Block A which combines planted roofs with solar photovoltaic systems. The Urban Design Officer has indicated that they are a cost effective and low maintenance solution to maximise biodiversity gains and improve water management.

Other Material Considerations:

Archaeology:

- 9.73. The site is situated within an Archaeological Notification Area, however the County Archaeologist has no objections as it is not believed that any significant archaeological remains are likely to be affected by these proposals.

Air Quality:

- 9.74. The site lies within Brighton's Air Quality Management Area (AQMA). The applicant has submitted an air quality assessment which states that the proposed development is predicted to result in a net reduction in traffic flows locally and would have a minimal impact on pollution concentrations at nearby existing receptors.
- 9.75. Application BH2020/00326 approved a ventilation strategy for windows fronting onto Cheapside to allow openable windows fronting onto Cheapside with a solution utilizing mechanical ventilation with heat recovery (MVHRs), with nitrogen dioxide NO_x filtration if required, and with openable windows for purge (short term clearance of odours/smoke) and/or overheating ventilation for this development.

Biodiversity:

- 9.76. As required by Condition 39 of application BH2018/02607, an Ecological Design Strategy (EDS) has been submitted (Phlorum, February 2020). The EDS states that contractors should remain vigilant for bats. The County Ecologist considers the submitted EDS broadly acceptable, subject to a precautionary approach being taken to site clearance as the existing buildings have the potential to support roosting bats. This is confirmed in an informative. Details of the bird boxes are required by condition.
- 9.77. The County Ecologist had requested proposed sedum roofs to be replaced with chalk grassland roof to improve biodiversity. However, the applicant has indicated weight loading and maintenance issues with this. Instead, the revised proposal provides a bio-solar roof with a focus on bio-diverse features and fauna and the provision of bio-diverse planting. This is considered an acceptable alternative, and an improvement to the biodiversity of the scheme whilst also retaining the proposed sedum roofs.
- 9.78. The proposed artificial turf for the 4no. proposed maisonettes present no benefit with regard to biodiversity or water management. These courtyard gardens are north facing and therefore, the applicant states that there are practical limitations to providing natural lawn. An alternative surface is therefore requested by condition.

Conclusion:

- 9.79. The principle of the development has been approved within the Outline permission BH2018/02607, including the external layout, access and scale.
- 9.80. The provision of 135 residential units is in accordance with the Outline consent, and the proposals would provide a significant contribution to housing supply with a good mix of housing.

- 9.81. The proposed buildings would have an appearance that is sensitively designed to protect amenity levels, it would provide balconies and gardens for private amenity space, and shared spaces in the form of a roof terrace and public open space, as well as shared internal amenity spaces.
- 9.82. The proposal has carefully considered the constraints of restrictions of daylight & sunlight from tall neighbouring buildings, delivering a good quality design appearance of the buildings, whilst still providing an acceptable amount of amenity space for future occupiers. The proposed development allows for maximising the housing density of the site.
- 9.83. Only one public objection has been received (regarding matters already approved).
- 9.84. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

10. EQUALITIES

- 10.1. Condition 55 of Outline application BH2018/02607 requires at least 5% of the dwellings on Site B to comply with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). All other dwellings are required to comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

S106 Agreement

- 10.2. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

