

<b>Subject:</b>	<b>Withdrawing the reason for refusal of Planning Application BH2015/01471, Astoria 10-14 Gloucester Place, Brighton for purposes of Appeal</b>		
<b>Date of Meeting:</b>	<b>14 September 2016</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment and Culture</b>		
<b>Officer:</b>	<b>Adrian Smith</b>	<b>Tel:</b>	<b>(01273) 290478</b>
<b>Wards Affected:</b>	<b>St Peters &amp; North Laine</b>		

## **1. PURPOSE OF THE REPORT**

- 1.1 To seek the Committee's agreement to withdraw the reason for refusal of the planning application prior to the forthcoming public inquiry appeal due to commence on 13 December 2016 in the circumstance that the Planning Inspectorate accept the amended plans referred to in paragraph 3.2 below and to authorise the Planning Manager - Applications, in consultation with the Chair of Planning Committee, to determine the amount of the affordable housing contribution which should be payable in the event that the appeal is successful together with any other s106 terms.

## **2. RECOMMENDATION**

- 2.1 That provided the Planning Inspectorate accept the amended plans referred to in paragraph 3.2 below as part of the appeal scheme the Planning Committee agrees to withdraw the reason for refusal as set out in paragraph 3.5 below;
- 2.2 That the Planning Committee authorises the Planning Manager – Applications, in consultation with the Chair of Planning Committee, to determine the affordable housing contribution which would be required by the local planning authority should the appeal be upheld together with any other s106 terms and the Committee further agrees that the s106 shall be completed on those terms as so determined; and
- 2.3 In the event that the Planning Manager – Applications is unable to agree a policy compliant affordable housing contribution with the appellant the Committee agrees that the Council's case in response to the appeal should be that the application should be refused for the reason set out in paragraph 3.12 below

## **3. INFORMATION/BACKGROUND**

- 3.1 A planning application for major development at the Astoria was submitted in May 2015 (ref: BH2015/01471). The application sought the demolition of the Astoria and its replacement with a part 3/part 7 storey building comprising 70 residential flats, ground floor commercial A1/A2/B1 units and a community room (D1). The application was considered by the Council at the Planning Committee meeting on 27 January 2016 and was refused in line with officer recommendation. The applicant has now submitted an appeal in respect of the

council's decision to refuse the planning application and a public inquiry has been scheduled to commence on 13 December 2016.

3.2 As part of the Appeal submission, the appellants have submitted amended plans and a full Daylight/Sunlight Assessment. These materially alter the balance of considerations for this application. The Planning Inspectorate has not confirmed that they will be accepted for consideration by the Inspector.

3.3 In addition to the above, the appellants have expressed a wish to re-negotiate the agreed affordable housing contribution of £2.4m in light of market changes since the previous viability appraisals were carried out and the re-introduction of the Vacant Building Credit as a national policy tool.

3.4 These matters are considered in turn below.

3.5 **Reason for Refusal**

*The proposed development includes a significant number of single aspect dwellings that would provide for a sub-standard form of accommodation by reason of insufficient access to natural light, an unduly enclosed outlook, potential noise disturbance from use of the inner courtyard, and lack of suitable privacy. The proposal therefore results in an unacceptable standard of residential accommodation for future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.*

3.6 The amended plans reduce the depth of the units to the lower ground floor and increase the size of windows to the inner courtyard elevations and main south elevation. These amendments have enabled a new full Daylight/Sunlight Assessment to be produced which demonstrates that nearly all rooms (194 of 208) to every flat within the proposed development would meet or exceed the recommended minimum set out in the BRE guidance. Of those that fail the daylight test, 8 are south facing rooms constrained by the scale of the adjacent office building across Blenheim Place. The remaining 6 rooms are kitchens to the rear of open plan living rooms with acceptable natural light levels.

3.7 In addition, the appellants have clarified that the inner courtyard will not be fully communal as originally proposed. Instead the courtyard would only be used to provide access to the ground floor flats and to provide only the minimum necessary walkways to the communal gym and TV room. This is of benefit as it would limit the potential for noise disturbance and overlooking into the flats that face into this space that full communal use would otherwise afford.

3.8 These amendments, the above clarification, and the new Daylight/Sunlight Assessment are considered to represent appreciable improvements to the quality of residential accommodation being provided. Whilst concerns remain that some of the lower units would have a poor outlook, officers are of the view that with these changes the overall benefits of the development outweigh the remaining harm such that the reason for refusal should now be withdrawn.

3.9 It is therefore recommended that provided PINS accept the amended plans as part of the appeal scheme the committee agree to withdraw this reason for refusal.

3.10 **Affordable Housing Contribution**

An affordable housing contribution of £2.4m was agreed with the appellants following independent viability appraisal by the District Valuation Service in November/December 2015. The appellants have stated in their appeal that they wish to re-negotiate this contribution in light of market changes and the re-introduction of the Vacant Building Credit as a national policy tool.

3.11 This matter remains under negotiation between officers and the appellants. In the event a policy compliant revised contribution is agreed, authorisation is sought for this to be agreed by the Planning Manager – Applications in consultation with the Chair of Planning Committee, and to be secured within the other s106 Heads of Terms.

3.12 In the event negotiations fail to reach a policy compliant agreed sum the Council's case in response to the appeal should be that the application should be refused for the following reason:

*The applicant has failed to provide an acceptable contribution towards affordable housing within the city as required by policy CP20 of the Brighton & Hove City Plan Part One.*

**Background Document:**

Planning Application BH2015/01471

