

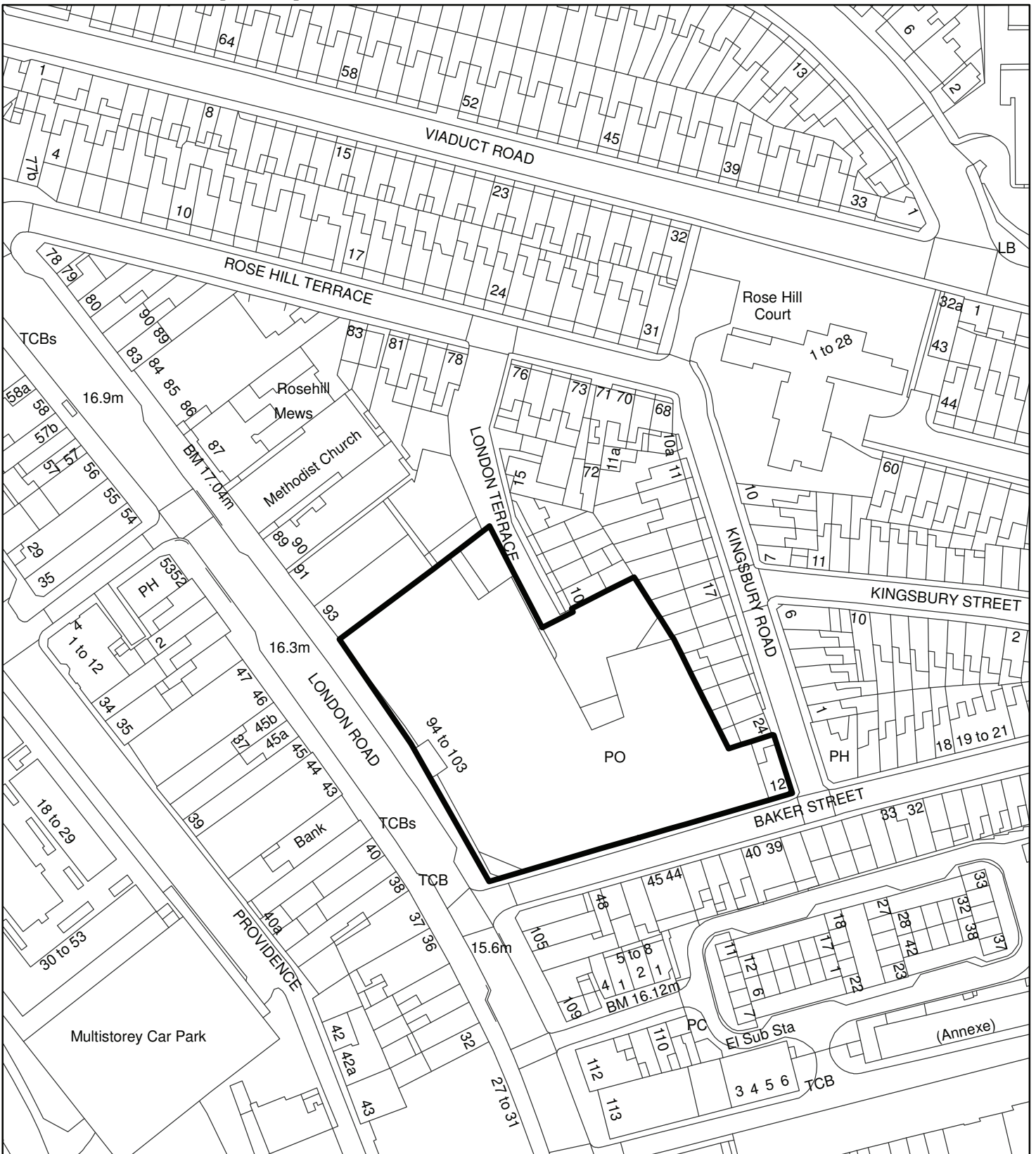
**PLANS LIST  
ITEM A**

**(Former Co-op Department Store) 94-103  
London Road & 6-11 & 12 Baker Street,  
Brighton**

**BH2012/02675  
Full planning consent**

**12 DECEMBER 2012**

# BH2012/02675 94-103 London Rd & 6-11 & 12 Baker St, Brighton (Former Co-op Department Store)



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/02675</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>(Former Co-op Department Store) 94-103 London Road and 6-11 and 12 Baker Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Partial demolition of former Co-Operative building allowing for the retention of the existing façade. Erection of a new building ranging from 3 to 6 storeys providing 351 units of student accommodation (sui generis) and 3no retail units (A1) at ground floor level, incorporating new access routes, 3no new disabled parking spaces, 150 cycle spaces and other associated works.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank, Tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>10/09/2012</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>10/12/2012</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Genesis Town Planning, 26 Chapel Street, Chichester</b>		
<b><u>Applicant:</u></b>	<b>Watkin Jones &amp; Co-op Group, C/o Genesis Town Planning</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and that it is **MINDED TO GRANT** planning permission subject to completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is situated on the east side of London Road at the junction with Baker Street; the building occupies a significant sized corner plot extending to the east along Baker Street to the corner of Kingsbury Road. The building is significantly larger in scale than the surrounding development with the tallest four storey 1930s element fronting onto London Road, the building then steps down to either side to three storeys in height which are later more modern additions. Where the building turns the corner into Baker Street it steps down to two storeys and has three distinctly different elements which step down in height towards Kingsbury Road. The most easterly corner is a period property which appears to have historically been occupied by a commercial use, this is denoted by the retained fascia and set back corner where the entrance appears to have pre-existed – all the openings are now boarded up. The entire building has been vacant for some time, the Baker Street element closed more recently in 2011 and prior to its closure contained the Co-Operative supermarket and Post Office, the majority of the building which formed the former Co-Operative department store closed in 2007. The building has also been the victim of squatters and vandalism. There are five semi-mature Elm trees which line the London Road along the pavement.
- 2.2 The surrounding area is characterised by a mixture of commercial and residential uses, the development fronting onto London Road is predominantly

two and three storeys in height; the ground floors are occupied by commercial uses whilst the upper levels are a predominant mix of commercial storage and residential. Baker Street has a more intimate scale characterised by two storey terraced properties with commercial uses on the ground and a mix of commercial and residential above. Kingsbury Road is a similar scale to Baker Street but the properties on the west side of the street have small front gardens rather than abutting the back of the pavement as in Baker Street. Rose Hill Terrace and London Terrace are predominantly characterised by two storey terraced residential properties with the addition of basement accommodation and a stepped access to 'ground' floor.

### 3 RELEVANT HISTORY

**BH2011/02417:** Demolition of existing building and erection of a new building ranging from 3 to 6 storeys providing 407 units of student accommodation (sui generis) and 4no. retail units (A1) at ground floor level with new service area vehicular access from Baker Street and landscaping works. Refused 20/12/11 for seven reasons, in brief as follows:

1. Design – scale, bulk, height and massing resulting in overdevelopment of the site out of scale with and causing harm to the character of the surrounding area.
2. Design – poor relationship with neighbouring property at No. 93 London Road, poorly designed entrances causing harm to the street scene.
3. Failure to demonstrate that neighbouring amenity would be protected and in relation to sunlight/daylight levels and overshadowing/loss of light in particular.
4. Adverse impact from use of roof terraces in relation to overlooking and noise disturbance to neighbours.
5. Adverse impact for neighbours from open service yard in relation to noise and outlook.
6. Failure to address the need for disabled parking.
7. Failure to justify the loss of the existing building which is considered to be an undesignated heritage asset.

### 4 THE APPLICATION

#### Background:

- 4.1 Following refusal of the previous application, the applicant's entered into extensive pre-application discussions and the design has evolved positively as a result. In conjunction with the pre-application negotiations undertaken with the LPA, the South East Regional Design Panel's advice was also sought. The Panel's response acknowledged that the scheme had been substantially revised since the previous refusal and was considered to be a great improvement. The Panel's input also positively influenced the final design. The applicant also undertook a public consultation at the pre-application stage.

#### Proposed scheme:

- 4.2 Planning permission is sought for the partial demolition of the existing building with the retention of the existing 1930s façade and erection of a building between 3 and 6 storeys in height. The ground floor is mixed use; the frontage

which abuts London Road and Baker Street is proposed to accommodate three retail units of differing sizes with the smallest located on Baker Street. A new loading bay is proposed on London Road to service the two largest units with servicing for refuse to the rear of the site along London Terrace. Within the centre/rear of the development site, the ground floor is occupied by student accommodation which is accessed via a new opening in the Baker Street frontage and links through the site to London Terrace. To the east side of this access, two three storey blocks of student accommodation are proposed. The upper storeys are all occupied by student accommodation totalling 351 bedspaces across the whole scheme.

- 4.3 The majority of the student accommodation (a total of 303) is laid out as cluster flats of either 4 or 5 bedspaces sharing a kitchen/dining/sitting room, 3 of which are wheelchair accessible. There are also 48 studio rooms which are also en-suite and have their own kitchenette. At the centre of the site, at ground floor level, the main student entrance is proposed along with the management and security office and the communal laundrette. In addition to the shared kitchen/dining/sitting rooms, a larger common room is proposed above the management office at first floor level. Communal terrace areas are proposed to either side of the common room along with an additional communal garden to the rear of the three storey blocks where the site abuts the rear boundaries of the properties which front Kingsbury Road. Cycle parking for 138 bicycles is proposed within the basement below the three storey block with room for additional cycle parking should the demand arise. Three disabled parking bays are proposed within the site and 6 existing parking spaces on London Terrace are proposed to be retained for staff use. Public realm improvements are proposed to London Terrace, Baker Street and London Road in the form of resurfacing, replacement tree planting and seating.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours: Forty five (45)** letters of representation have been received from **7 Jubilee Road, 96 Old Shoreham Road, 117 Stanmer Villas, Flat 1 14/15 Baker Street, 3 Keymer Road, 17 Clyde Road, 8 Selborne Court 1 Selbourne Place, 26 Shanklin Court Shanklin Road, 4, 8, 13, 14, 15, 19 Kingsbury Road, 10 North Gardens (owner 15 Kingsbury Road), Kingsway (no number given), 31-35 The Drive, 2 Chanctonbury Road, 40 Friar Road, 161 Ditchling Road, 42 Havelock Road, 8, 9a, TFF 10, 12, 13, 16, 22, 28, 30, 81 Rose Hill Terrace, 11 London Terrace (2 x letters), 40 Islingwood Road, 43 Hanover Terrace, 11a London Terrace (2 x letters) Engleharts Solicitors – sent on behalf of the owner of 11a London Terrace, 15 Larkfield Way, 6 Ewart Street, 48 Shaftsbury Road, 64, 48 Ditchling Rise, 36a London Road, 180a Lewes Road, Queens Square – no number given; objecting to the application for the following reasons:**
- The site is not suitable for student accommodation.
  - The loss of the building is unacceptable.
  - Problems with associated noise from the occupants will be the same at London Road as they have been for the residents of Southover Street.

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- The proposed management is too restrictive and therefore unworkable – the accommodation would therefore be far better placed on/nearer to the campus.
- The site is not on a direct bus route to Sussex University.
- The start and end of term will be a logistical nightmare in such a busy location.
- There will be a negative impact on already poor air quality.
- Gating London Terrace is wholly unacceptable.
- London Road cannot support any more retail accommodation.
- The substantial number of students being brought into this area would unbalance the community.
- The development fails to make a positive contribution to the local community and will have a negative impact.
- The area will become a student ghetto as more families are forced to move out as a result of noise and antisocial behaviour and more properties are converted to HMOs.
- The new entrance from London Terrace would cause a substantial increase in traffic and noise in the already busy Rosehill Terrace.
- The development should be mixed not just student accommodation and include market and affordable housing, retail, art gallery and community space in order to make a positive contribution.
- The design is cheap and bland.
- The building is locally listed building and should be saved from demolition – English Heritage should also be consulted.
- The proposal does not accord with Brighton & Hove's 'One Planet' intentions.
- The plans have not progressed far enough to overcome previous objections/reasons for refusal made in relation to the previous scheme.
- The area is populated by a number of vulnerable older people.
- The introduction of a substantial student population to the area will not bring about the regeneration of London Road.
- The site is not within the academic corridor.
- The Co-op have failed to engage with the local community regarding redevelopment plans or adopted an effective strategy to secure investment.
- The local residents have suffered over the years from increased antisocial behaviour in the area which will be exacerbated by the increased student population and increased footfall.
- Even if the management of student behaviour and disturbance emanating from the building is effective, no control can be exercised outside of the building within the surrounding residential areas.
- The occupants are most likely to be first year students and therefore far more disruptive.
- Although larger deliveries will take place on London Road, smaller deliveries will still take place on London Terrace.
- Utilising student wardens and private security guards out of office hours to manage the facility is insufficient and will be ineffectual.
- The development will negatively impact on house prices in the area.
- There will be substantial disruption as a result of the prolonged construction works.

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- The building needs to be redeveloped but this proposal is poorly designed and motivated by greed.
- The building is one of the most beautiful in the city and should be turned into some sort of community space not privately developed.
- It is likely that it will not be possible to rent out a property adjacent to the development site during the construction period it may therefore be appropriate for the occupant to serve a blight notice on the Council requiring purchase of the property with suitable compensation being paid.
- The development is too high and will result in loss of daylight and sunlight and views.
- The consultation period is too short.
- It will exacerbate existing traffic problems in the area.
- Additional rubbish will attract vermin.
- Concern raised regarding the impact of construction on neighbouring amenity.
- The proposed management proposals are not an adequate guarantee for the protection of neighbouring amenity.
- The existing infrastructure cannot support such a vast development.
- Increased flood and the impacts on neighbouring dwellings during demolition/construction risk is of concern – the neighbouring properties should be guaranteed protection/compensation.
- Access by emergency services is restricted along London Terrace causing concern in relation to fire hazard in the building.
- Loss of privacy.
- Modern design is out of keeping.
- Overshadowing/loss of light.
- Overbearing.
- Difficulties with security.
- Over development – over intensification of student development
- The daylight assessment is inaccurate.
- Similar applications by Watkin Jones have been refused in other cities.
- Late night disturbance will be caused by students trying to access the development and gathering within it.
- Existing problems with activities at local public houses will be exacerbated by the increased number of student patrons from this development.
- Many local residents who oppose this development did not attend the public meeting at the Calvery Church.
- There have been no incidences of antisocial behaviour in London Terrace in recent months since the exiting building was finally secured properly.
- Parking problems will be exasperated.
- This proposal will not help regenerate the area.
- The accommodation is far too cramped.
- Out of scale with the surrounding area.
- How enforceable is a 'car-free' tenancy clause?
- This development will present an unwanted precedent.
- The public exhibition held by Watkin Jones did not give residents sufficient time to make arrangements to attend – the questions were leading and the reported results vague.

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- The building will obscure views of St Bartholomew's Church.
- There is no need for additional student housing.
- The new access onto Baker Street is unacceptable.
- The proposal is for an enormous HMO.
- The accommodation will be empty for half the year.
- The whole site should be brought back into retail use.
- The use as student accommodation is against the Council's own policy to stop studentification.
- The provision of student accommodation on this site will undermine the work being done to make The Level a family/child friendly place to visit though over use by the occupants.
- The occupation of one of the retail units by the Co-op will only result in the existing store on London Road being left empty.
- The development will generate income of £35,100 per week.
- London Terrace will be gated restricted access to the existing residents.
- Local services are already saturated – i.e. doctors, dentists.
- The alleyway between London Road and London Terrace offers an opportunity for crime.
- The smoking ban will result in noise disturbance from the terraces day and night.
- The proposal is contrary to policies in the Draft City Plan and the site is not allocated for student accommodation.

5.2 **Three (3) petitions** have been received, one has **30 signatures**, the second has **98 signatures**, as well as a partial petition which has **99 signatures** but no addresses – each petition was submitted by **'Save The Co-Op Building, London Road, Brighton' Group**; objecting to the application for the following reasons:

- Noise pollution.
- Serious social disruption to the local community.
- Seeking engagement from the Council and the Co-op with the community for redevelopment options for mixed residential, retail and community use.

5.3 **The Gallery Indeed, 15 Larkfield Way:** Object to the application for the following reasons:

- The building should not be destroyed it should be re-used.
- The proposal will destroy the façade which should be preserved by the local listing.
- The additional retail is not needed; there are already a number of vacant shops on London Road.
- The proposed building is colossal and will dominate the area and destroy surrounding properties and lives in the surrounding area.
- There is no confidence that this facility can be effectively managed in perpetuity.
- The proposal is destructive and oppressive.
- The Gallery Indeed propose to re-use the existing building for an art gallery with café, community space, art library and shop.



- 5.4 **Four (4)** letters of representation have been received from: **65 Warleigh Road, 11 Rose Hill Terrace, 3 Kingsbury Road** (2 x letters); supporting the application for the following reasons:
- An excellent plan.
  - Building has been vacant for too long.
  - The development will free up other houses for families.
  - The development must be ‘car free’.
  - It will bring in revenue/trade to the area.
  - Students will be housed in a controlled area rather than in HMOs.
  - The development is what is needed to regenerate London Road.
  - Good design.
- 5.5 **One (1)** letter of representation has been received from: **57 Stanley Road**, commenting on the application as follows:
- Great improvement to the previous scheme
  - However, there should include improvements to Baker Street – pavement widening or pedestrian the street.
- 5.6 **One (1)** joint letter of representation has been received from **Ward Councillors Deane and West**, objecting to the scheme; the letter is appended in full to this report.
- 5.7 **London Road Area LAT: Comment**
- Many were of the view that the new proposals had taken good account of previous complaints. i.e. the façade is retained, the massing of the buildings to the rear is much more neighbourly, the number of students is reduced.
  - Several individuals expressed their serious concern about the effect of such a large number of students in a location like this i.e. off-campus, adjoining residences. Concern raised regarding night-time noise and disturbance (e.g. returning from pubs and clubs), increased footfall accessing London Road station, and noise emanating from the building via windows and from the roof-terraces.
  - The issue of management of student noise in [existing] unregulated student houses was mentioned, as was anecdotal reports of acute problems in the Hanover area emanating from University of Brighton student halls in that area.  
Many other contributors expressed confidence in the proposals, traders expressed positive views as to the increase in retail trade, and the expectation that vibrancy of the road would be increased. The fact that no other proposal for the building had reached this stage over a period of some years was also noted. These sentiments provoked noticeable support in the meeting.
- 5.8 **Sussex University: Support** – Sussex University has been consulted throughout the development of the scheme and the plans meet the Universities design criteria and mirror their recent campus developments, notably Northfield residences which have proven to be very popular with Sussex University students. This development will enable to university to house more students in

a directly managed environment who would otherwise be housed in the private rented sector. Discussions with the Council on campus developments, which include residential continue. The University now offers year round academic programmes which means the accommodation will be used throughout the year.

5.9 The University will have an active role in the management of the development. The University have constructed accommodation on campus in more recent years and a block of development is currently under construction on site however there is still insufficient room to accommodate a minimum of 40% of students, which is their ambition. The focus of allocation at the Co-Op site will be on postgraduate and other mature students with a mix of both home and overseas students. The accommodation will help to free up family housing which is currently occupied by students.

5.10 **Conservation Advisory Group (CAG): Comment** – The group generally welcomed this scheme especially the retention of the façade of the central building and felt it was a significant improvement on previous schemes for this site but raised serious concerns regarding the accuracy of the views shown on the front of the building and felt this needed further investigation to establish whether the new building would be seen above the existing façade, and if it was the case, would want to see this aspect more sympathetically designed. The group regretted the loss of some of the interesting internal features such as tiles, and requested a condition be imposed to retain some parts and suggested it could be used as part of the internal decoration of the new building. The group were disappointed in the bland modernist styles used for the additional buildings at either ends and would like to see the access from London Terrace to Baker Street opened up for the general public.

**Internal:**

5.11 **Ecology: Support** - The ecological report submitted in support of the application ('Extended Phase 1 Ecological Assessment, Watkins Jones Group, 15 August 2012) accurately describes the existing nature conservation value of the site as low. A menu of nature conservation enhancements are proposed in Section 6 of the document, principally the installation of green roofs, a green wall and nest boxes for urban birds. If implemented correctly as part of a future development these measures fully address nature conservation policy. Conditions are recommended to secure details of mitigation strategy to ensure nesting birds are not disturbed during the construction phase, details of the proposed green roof and walling as well as detail of the proposed bird boxes.

5.12 **Environmental Health: Support**

5.13 **Noise:** The traffic noise and plant noise assessments are acceptable. Suitable conditions for noise mitigation from traffic linked to the details set out in the noise report are recommended along with a requirement that shared walls/ceilings/floors etc between commercial and residential premises and plant rooms achieve a standard greater than Part E.

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- 5.14 Details relating to waste collections and deliveries should be secured and the times restricted accordingly based on what is reasonable for the location. It is strongly recommended that deliveries and waste collections occur no earlier than 7am and no later than 10pm on Mondays to Fridays and only within working hours on Sundays and Bank Holidays. Considering that one of the retail units is on Baker Street, it is also recommended that a scheme outlining delivery times to the three retail units, the routes taken for the deliveries to the three retail units and the noise mitigation methods that are going to be employed during deliveries to the three retail units is provided. It is also recommended that noisy waste collection activities, such as recycled bottle collections are carefully considered and preferably, do not occur at all on Sundays or Bank Holidays. The applicants should note that if complaints about noise from deliveries or waste collection activities are received, then the Council has a duty to investigate these complaints under the Environmental Protection Act 1990.
- 5.15 Additionally, it was highlighted that PA systems should not cause a nuisance to neighbours and WYG previously stated that such PA systems would not be set to a level where a nuisance would occur. Similarly, the applicants should note that any future complaints about PA noise would be investigated under Statutory Nuisance legislation but preventing complaints from occurring in the first instance should be the correct approach.
- 5.16 Potentially Contaminated Land: The applicant has submitted an addendum to the desk top study which means that the desk top study is now satisfactory. More details are required about the proposed sampling scheme before the site investigation progresses. A suitable contaminated land condition has been recommended.
- 5.17 Lighting: A suitable condition is recommended. The External Lighting Report by GDM Partnership Building Services Consultants Ltd. has been considered. The proposals sound reasonable, but because no actual plans have been submitted and details decided, no comments can be made at this stage. A lighting condition has therefore been recommended below. When submitting details about the lighting it is strongly recommended that the applicants also submit a map showing the lux contours for the site on an appropriate plane.
- 5.18 CEMP: More details are required as part of a S106 agreement.
- 5.19 Air Quality: The ventilation strategy is crucial for the development. The developer shall ensure that indoor air intakes draw relatively fresh air from the top and rear of the building. The ventilation intakes must be distinct and separate from any discharge flues associated with the heating systems. The development has limited parking and is not likely to alter the existing traffic in the area with exception of a possible increase in demand for bus services for example on Oxford Street and London Road to Lewes Road.
- 5.20 **Heritage**: Support - The application has been subject to extensive pre-application discussions following the refusal of the previous application and the

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proposals have evolved very positively over the course of the pre-application process.

- 5.21 The former Co-operative department store is a locally listed building and is an undesignated heritage asset for the purposes of the NPPF. It was designed as a purpose built department store for the Brighton Co-operative Society by the architectural practice of Bethell and Swannell and opened in 1931.
- 5.22 The original shop fronts have been lost and the building was extended at each end and along Baker Street in 1962. Further extensions followed in 1975 and 1980. The building is an example of the facadist approach to disguising large retail and leisure buildings that was prevalent in the inter-war period. The later additions to the building have no townscape interest and are not part of its significance, though they are appropriate in scale. Similarly, the rear elevation has no townscape interest and does not contribute to the building's significance.
- 5.23 The site lies just outside the Valley Gardens conservation area and can be seen in glimpses from within the conservation area. To the west is the grade I listed St Bartholomew's Church and to the north of the site, set back from the main building line, is the grade II listed number 87 London Road.
- 5.24 The retention of the original 1931 façade and its incorporation into the development is very welcome and this would retain the significance of the building's local listing, particularly its local landmark status and positive impact on the townscape and is in accordance with policy HE10 and SPD10. The new building would be set back behind the retained façade, so allowing the original glazing pattern to be replicated and so as to clearly distinguish the old from the new. The new development at either end is set back slightly from the line of the original façade, with short returns formed, and this helps to give the retained façade a sense of solidity and would make it more readable in oblique views.
- 5.25 The relationship between the retained façade and the new build is considered acceptable and although the new sixth storey rises considerably above the original parapet height it would be set back far enough so as not to be read as part of the front elevation. It would only really be apparent in long views and, in this respect, it reflects the symmetry of the original façade. The design of the new 'book ends' to the retained façade has evolved particularly positively and they are considered to respect the scale and symmetry of the original element. The southern end successfully turns the corner into Baker Street, forming a distinctive element without detracting from the original façade, and the Baker Street elevation has an appropriate height and rhythm, making a transition from the larger scale of London Road to the more intimate scale of the residential streets to the east.
- 5.26 The overall form, massing and footprint of the development are now considered acceptable in the local context. The form and layout respect the surrounding urban grain and the extension of London Terrace through to Baker Street is welcome and the relocation of the student entrance to London Terrace would also help to create a lively street frontage here and would enable London Road

to be solely retail frontage. The submitted CGI views show that the additional height and massing of the development, compared to the existing, would not be apparent in short views on London Road and that the original façade would remain the dominant element. In longer views the additional height and massing would be apparent, particularly from the south, but would not appear unduly prominent or bulky in the street scene (subject to approval of the material for the roof cladding). The scale of the development would be more apparent in relation to the terraces of Baker Street and Kingsbury Road but not to an unacceptable degree. There would be no harm to the setting of the adjacent Valley Gardens conservation area and no harm to the setting of nearby listed buildings. Details of the shop fronts and the glazing to the retained façade would be needed by condition.

- 5.27 **Planning Policy: Comment** - The retention of the central façade of this locally listed heritage asset is welcomed.
- 5.28 It is disappointing that the proposal does not meet the indicative business / residential uses on the upper floors as set out in the adopted SPD10, or build upon some of the defined objectives of SPD10 that would assist in the regeneration of the Masterplan area; or provide residential units to help meet the council's significant housing requirements, as identified in the SHLAA update 2011. The loss of retail floorspace at ground floor level to a mixed use is at odds with local plan policy SR5 - further comments should be sought from the Economic Development Team ensuring this will not cause detriment to the proposed retail units along the London Road/Baker Street prime frontage. Appropriate management arrangements must be in place for the student accommodation to ensure that policy QD27 is met.
- 5.29 The Retail Study Update 2011 notes that the London Road Town Centre is not exploiting its full potential as a town centre shopping area. The study recommends that the council should look to enhance the retail provision in the London Road Town Centre, particularly for comparison goods which are currently under represented. The Retail Study Update 2011 also notes that the empty building currently creates a large gap in primary retail of the town centre and detracts from a feel of continuity in the town centre, and that the retail unit vacancy rate within the centre is the highest of all the town and district centres considered within the 2011 update.
- 5.30 The Local Authority's stated preference in the adopted London Road Central Masterplan SPD10 (2009) is that the upper floors of this building are brought forward for business uses with residential allowed as enabling development. More recently, this site has been identified in the SHLAA background document for 60 units to come forward in the next 6-10 years (Category 2 site) to help meet the council's significant housing requirements. It is disappointing therefore, that the applicant proposes student housing (Sui Generis) at this site as this cannot be considered as part of the council's housing land supply. There is currently no adopted policy to address the provision of student housing within the Adopted Local Plan 2005. The draft City Plan policy CP21 'Student Accommodation and Houses in Multiple Occupation' was subject to an eight week public consultation period which ended in July 2012.

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- 5.31 **Sustainability: Support** - Information submitted with the application indicates that key sustainability policy issues in Local Plan Policy SU2, SU16, SPD10 and SPD08 have been addressed.
- 5.32 As a major scheme, the development is expected to meet standards set out in SPD08 of BREEAM 'excellent' and to achieve a minimum of 60% score in energy & water sections. The submitted pre-assessments for BREEAM 'Multi Residential' and BREEAM 'Retail' confirms that these will be achieved.
- 5.33 There is intention to build the Retail element to Shell & Core, and securing the 'Fit Out' to BREEAM excellent can be secured via a Green Lease arrangement which the applicant has offered, therefore, this should be conditioned.
- 5.34 Positive aspects of the scheme include: a communal heating system with air source heat pump based plant; a large roof mounted photovoltaic array of 300m<sup>2</sup> (43kW<sub>pe</sub>) minimum; the communal heating system will have capacity for connection to any future district heating network as expected by SPD10; green roofs; green walls; edible landscaping including espaliered apple trees and herb and salad plants in raised beds; highly efficient LED lighting included in external lighting strategy; water efficiency measures; a feasibility study has been undertaken to assess rainwater harvesting system for the scheme and installation is being considered; retention of existing building facade which will reduce demolition waste and materials inputs.
- 5.35 Recommended conditions to secure: BREEAM Multi Residential 'excellent' with 60% score in energy & water sections for the student accommodation, BREEAM Retail 'excellent' with 60% score in energy & water sections and food growing in the landscaping. Details to be secured via the s106 agreement: Green Lease to secure relevant BREEAM standards achieved by incoming tenants and 'District Heating' ready plant (To comply with SPD10) so that the development may be capable of joining a district heating system in the future.
- 5.36 **Sustainable Transport: Support** - The applicants have sought to maximise the use of sustainable modes and minimise traffic impact at this very accessible site by providing minimal parking and positive promotional measures. Further consideration of disabled parking is required. A series of public realm measures which will enhance the local environment are proposed. Acceptable plans for the start and end of term are included. The TA for the current application produces revised and acceptable estimates for trip generations and these estimated generations are again less than those arising from the previous use of the site provided that the assumption is made that the 'previous generations' associated with the site would be the maximum possible generations associated with any use within the approved use class. This assumption was accepted for BH2011/02417 and remains valid. As this implies a net reduction of trips no S106 funding based on trip generations would be required.
- 5.37 SPG 4 requires at least 117 spaces for the student accommodation and 5 for the retail use. The applicants propose 138 spaces in the basement and 2 at ground level for the accommodation and 3 additional on street in London Rd. Conditions/s106 to secure the following is recommended: cycle parking details,

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TRO to exclude able bodied residents from obtaining a parking permit, 278 Agreement to secure the highway works, a Travel Plan, a clause in the tenancy agreement to prevent student occupants from bringing a car into the city during their occupation of the accommodation, identification of the holding car parking used at the start/end of the academic year, stage 1 / 2 safety audit.

- 5.38 Further detail is required for the Travel Plan. The targets are expected to be comparable to that of the Sussex University Travel Plan and the Co-Op Travel Plan should integrate with the wider Sussex University Travel Plan. There should be a commitment to engage with the Brighton Bus Company and promotion of 'key' smartcards for bus and rail travel.
- 5.39 **Economic Development:** Comment – Concern previously raised remains regarding the proposed mix of uses which are contrary to the London Road Central Master Plan - SPD10 which seeks retail on the ground floor and business above with the potential for some enabling. There is a lack of evidence to support why the upper storeys could not accommodate business uses.
- 5.40 If approved a contribution through a S106 agreement for the payment of £20,230 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.
- 5.41 The claims made within the supporting information provided regarding the viability of the existing building for multi floor retail use are relevant to the store on London Road (and other such stores in other secondary retail areas). Large single occupiers are focusing their attentions on city centre stores and there has been no interest in this store from a major retailer since it closed down as part of the Co-ops wider national closure operations. No evidence has been provided to demonstrate that the applicant considered (and ruled out on cost and viability) major refurbishment works to make the store more attractive to potential retail users.
- 5.42 **Public Art:** Support - To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement to be incorporated into the scheme or a financial contribution sought each to the value of £100,000.
- 5.43 **Arboricultural Services:** Object – Should this application be approved, one Elm tree on-street will be lost to accommodate the loading bay. The Arboricultural Section objects to this application on this basis.
- 5.44 **City Clean:** Support – The amended plans have addressed previous concerns regarding lack of storage space to accommodate refuse. A requirement to secure a management plan is recommended for refuse and recycling.

**External:**

- 5.45 **Southern Water:** Support – No new soakaways should be located within 5m of a water mains and combined sewers. No development or new tree planting should be located within 3m either side of the centreline of the water mains and combined sewers respectively. All existing infrastructure should be protected during the course of construction works.
- 5.46 Following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water sewerage disposal to service the proposed development. The existing system is combined and the additional foul flows could be accommodated if some of the existing surface water were stopped from entering the system i.e. no increased flows. Surveys would need to be undertaken to demonstrate that proposed flows received by the sewer would be no greater than existing.
- 5.47 As an alternative, additional off-site sewers, or improvements to existing sewers can be provided to service the development. A formal application for a connection to the public sewer is necessary and an informative should be placed on any permission is recommended in this respect.
- 5.48 If a Sustainable Urban Drainage System (SUDS) is proposed on site, details for implementation and timetable and management/maintenance plan and arrangements for adoption by a public authority.
- 5.49 A pre-commencement condition is recommended securing approval of details for foul and surface water sewerage disposal.
- 5.50 **Sussex Fire & Rescue:** *(Amended comments received – 19 November 2012)*  
Support – The amended fire strategy plans: FS001 REV A; FS002; FS003 REV A are acceptable and provide acceptable access for fire fighting purposes.
- 5.51 **UK Power Networks:** Support – A substation on site is currently held under a supply agreement fed by high and low voltage cables from Baker Street which require diverting. UK Power Networks are in discussions with the applicant.
- 5.52 **Environment Agency:** Support
- 5.53 **Sussex Police:** Comment – The details in the Design and Access Statement and Student management plan give details of the crime prevention measures incorporated into the design. Parameter security is paramount to the safety and security of the residents. Post should be delivered to the management office and distributed from there to avoid access issues.
- 5.54 A number of security measures to the building are recommended including alarms to fire doors being linked back to the management/security office and use of an access control system to all visitors to the accommodation and offices. Consideration should be given to installing CCTV, lighting in London Terrace should be improved and arrangements should be made with the emergency services for times of the day when the London Terrace/Baker Street access will be locked in order to accommodate access. Concern is raised over



the impact of increased footfall, noise and litter on neighbouring amenity but support the use of loading bay on London Road which will alleviate some of these concerns. The cycle store should conform to the requirements of chapter 35 of the Secured by Design New Homes 2010 document. Consideration should be given to fitting an intruder alarm and CCTV harness to the retail units for retro fitting of both once occupied.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- The Regional Spatial Strategy, The South East Plan (6 May 2009);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton & Hove Local Plan 2005 (saved policies post 2004).
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.
- 6.5 All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control

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SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD10	Shopfronts
QD27	Protection of amenity
QD28	Planning obligations (likely contributions towards transport, education, open space, public art)
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR1	New retail development within or on the edge of existing defined shopping centres
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space (draft)
SPGBH15	Tall Buildings

### Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the determination of this application are the principle of the development in relation to the proposed uses and the proposed loss of the existing building, the impact of the design on the character of the area and the setting of the nearby listed buildings and Valley Gardens

Conservation Area, the impact on amenity, transport implications and sustainability.

**Planning Policy:**

Acceptability of the principle of the proposed mix of uses

- 8.2 The site is an existing A1 retail use and is identified and allocated under policy SR5 of the adopted Local Plan 2005 'Town and district shopping centres'; the site is located within the defined London Road Town Centre and both the London Road and Baker Street frontages are identified as being with the 'prime frontage' of the centre. Policy SR5 seeks to maintain the vitality and viability of the centre. The policy also seeks to resist any residential accommodation within the shopping frontage. As noted by Planning Policy, the Local Authority's stated preference in the adopted London Road Central Masterplan SPD10 (2009) is that the upper floors of this building are brought forward for business uses with residential allowed as enabling development.
- 8.3 It is disappointing that little evidence has been submitted to demonstrate that no interest has or would be shown for alternative comparison goods retail operators or other business units in occupying the upper floors. A letter has been provided by the Co-operative Estates Team which details the key reasons the Co-op Group (Estates) believe the site, along with 9 other similar buildings in their ownership, remains vacant; the content of the letter is based on advice the Group have received from the retail agents that act on their behalf. The reasons can be summarised as follows: the site is in a secondary retail location, demand for large floorplates provided over several floors is limited to a small number of niche retailers and department stores. Retailing on upper floors tends only to be viable in large, established city centres and some retail parks. The property was purpose built for a single retail use making conversion/subdivision to provide smaller units difficult and costly.
- 8.4 The letter continues, in relation to the London Road Co-op store specifically and states that it was purpose-built for use as a Co-op department store, the layout and configuration of the store does not lend itself to the operational requirements of most retailers without significant physical works or redevelopment. The Group advise that their agent received no interest or demand shown for reuse of the store by a single retailer or in the separate use of the upper floor for retailing or other town centre uses. They state that without an end-occupier that could justify the cost of the refurbishment/redevelopment, it is not a viable option. The letter also states that the building has been marketed in '*challenging economic conditions*' and the only interest they are aware of has been from local, independent businesses for small units at ground floor level on London Road and Baker Street frontages.
- 8.5 The above is noted however limited weight is attached to it on the basis that no evidence has been submitted in support of the statements, such as information on how the building has been marketed over the years and by which agent. The reasons stated do however appear reasonable as confirmed by the Council's Economic Development Team.

- 8.6 Economic Development have also expressed disappointment that the proposal has not considered any business use in the scheme and in particular employment space on the upper floors with residential acting as enabling development in accordance with SPD10. No justification has been provided to demonstrate the impact on viability of this as an option which is considered to have potential for significant improvements to the regeneration of London Road. Nor has any evidence been submitted to demonstrate that the applicant considered and subsequently ruled out major refurbishment works to make the store more attractive to retail users. The additional requirements of SPD10 are discussed later in this report.
- 8.7 The proposal represents a significant reduction in the retail offer on London Road, it is understood that the existing Co-op building when in operation, offered approximately 13,100 sqm floorspace set out over three floors. The proposal seeks to re-provide a total of circa 2,000 sqm retail floorspace (excluding the basement areas) on the ground floor only. The proposal sets out this provision as three units however the applicant would seek to retain flexibility of the space and planning permission would not be required to subdivide or amalgamate the units unless a specific restriction is in place. No such restriction is considered necessary in this instance and placing such a restriction on the space could affect the marketability of the retail offer.
- 8.8 The provision of new retail space is welcomed and supported as this will enhance the quality of the retail offer for the area. The plans submitted do not detail where refuse and recycling would be provided on site however they have confirmed that for refuse/recycling, adequate storage exists in the basement and the site would be serviced from the rear along London Terrace for collections. It is considered that there is sufficient space for its provision however to ensure neighbouring amenity is protected it recommended that the hours are controlled and monitored through a management plan which should be secured via the s106. The Management Plan is discussed in greater depth in relation to neighbouring amenity later in this report.
- 8.9 The main difference between the previously refused scheme (BH2011/02417) and the current proposal is the introduction of student accommodation within the centre/rear of the site on the ground and upper ground floor level, fronting onto the main access across the site which extends from London Terrace through to Baker Street. The whole of the site is allocated as being within the prime shopping frontage and as such, some of the student/residential accommodation being provided on the ground floor is technically within the prime shopping frontage. However, the only break in the retail frontage is of approximately 7 metres along Baker Street where the new access through the site is proposed. The retail units proposed on each of the frontages are comparable to those within the rest of the shopping district; the two on London Road are actually among the largest in this location and also have the supplement of basement accommodation for staff services and refuse storage. In addition, each would remain large enough to allow for flexibility in the manner in which they could be used and offer suitable and viable sized units and appropriate layout for this location. The introduction of residential accommodation on the ground floor is therefore not considered to have a

negative impact on the viability of these units or the vitality and viability of the centre.

- 8.10 Although the whole site is within the SR5 policy allocation on the Local Plan proposals map, commercial and associated pedestrian activity is firmly centred along the London Road and Baker Street frontages rather than the residential streets of London Terrace, Rose Hill Terrace and Kingsbury Road. Furthermore, the majority of the area to the rear of the site was previously used as a service yard which has since been designed out and relocated to the London Road frontage which further establishes the break between the predominance of residential development to the rear and the commercial shopping frontages. Similar distinctions and conclusions have been made to the introduction of residential development into the back of Policy SR5 designations where it has been demonstrated that the proposal does not impact on the viability of the unit or the associated centre; notably the nearby development along Providence Place which backs onto the west side the northern end of London Road, opposite the application site and a recent appeal decision at 56-58 St James Street (APP/Q1445/A/11/2156197).
- 8.11 The proposal would not interrupt the established shopping frontages and would make provision of new modern retail floor space with associated storage which is of a comparable size, if not larger than most within the shopping district. It is therefore considered that the vitality of the shopping frontage would not be harmed by the proposal to introduce residential accommodation and the provision of new retail floorspace would be positive.

Principle of student accommodation

- 8.12 There is currently no adopted policy to address the provision of student housing within the Adopted Local Plan 2005. More recently, the site is identified in the Strategic Housing Land Availability Assessment (SHLAA) for C3 residential use with the estimated capacity for accommodating 60 units, this is not however an allocated housing site. The provision of student accommodation (*Sui Generis*) on the Co-op site cannot be considered as part of the council's housing land supply and although it is disappointing that if permitted it would remove some 60 units from the council's identified supply. The draft City Plan has recently been out to public consultation for a period of eight weeks, which ended in July 2012. Policy CP21 '*Student Accommodation and Houses in Multiple Occupation*' in the draft City Plan does not list the former Co-op site within the Options Paper which sets out preferred sites for student accommodation. However at present no weight can be given to the Plan or policies contained therein. As such, there is no specific policy conflict with adopted policy in relation to the principle of student accommodation on this site. It is envisaged that the provision of purpose built student accommodation could however free up existing housing in the city which is currently occupied in the private rental market by students.
- 8.13 The introduction of some 351 students to an off campus purpose built development and the management thereof is of particular importance as although the site is in a busy city centre location, there are a mix of both commercial and residential uses which surround the site. Support has been

received from Sussex University confirming that; the accommodation as proposed meets their standards and mirrors a similar popular campus halls built more recently. The University will have an active role in the management of the property, student welfare and community/neighbourhood relations and they have also confirmed that the focus (but not exclusive) of allocation on the site would be to postgraduate students and other mature students with a mix of both home and overseas.

8.14 The proposed management of the accommodation would be in partnership with a private company known as 'Fresh Student Living' who are a private management company. The company is a member of the ANUK code (Accreditation Network – UK) and all the properties they manage are registered and managed in accordance with this code. A draft Management Plan has been submitted with the application which states that it is anticipated that for the size of development proposed the following staffing requirements are recommended:

- *On full time Accommodation Manager*
- *One full time Assistant Accommodation Manager (to be confirmed)*
- *One part time Admin Assistant (to be confirmed)*
- *Three Senior Student Wardens*
- *Security Staff (outsourced)*
- *Cleaning Staff (outsourced)*
- *Maintenance Staff (outsourced)*

8.15 The draft plan also indicates draft proposals for the general operation of the building including the staffing of the Management Suite which will be open to students and visitors alike generally from 08:30 – 19:00 each weekday, with student warden presence at advertised times during the evening and weekends. Details on security and access, student behaviour, fire strategy and details of the complaints procedure are all contained in the document. It also states that CCTV will be installed which will be linked back to the management office and monitored 24 hours a day, 7 days a week, and intended to enable staff to respond quickly to an incident. All details within this document are draft and must be fully agreed with the Local Planning Authority (LPA) prior to first occupation of the development. Sussex University have also confirmed that they will jointly manage the facility which adds additional weight to the management of the development with the ultimate control being linked to the individual's place at the University.

8.16 A fuller but not exhaustive list of matters the Management Plan should cover is set out in section 11 of this report under the draft heads of terms for s106. The document once agreed may still be subject to amendments should they be necessary and agreed between the parties and should therefore be viewed as a 'working document'. Securing a Management Plan for a student accommodation development is a nationally agreed appropriate method of monitoring and managing student accommodation particularly when the development is off campus and close to neighbouring private residences. The draft document is considered acceptable, however it should include and secure further details on various elements as set out later in this report to ensure

neighbouring amenity is appropriately protected throughout the life of the development.

- 8.17 The proposed accommodation mix includes 48 studio rooms each of which is a self contained unit of accommodation with their own kitchenette and en-suite. Student accommodation does not fall within the definition of affordable housing (as defined by Annex 2 of the NPPF) however it is a form of residential accommodation that meets a specialist housing need in the city. As stated above it is anticipated that the provision of dedicated student housing would also reduce the number of students looking for housing on the open market, releasing existing market housing and thus relieves some pressure on the housing market. Given that the application has been submitted with the intention of leasing the entire building to University of Sussex as student accommodation only and therefore not provide for the general housing market, the LPA would not be seeking an affordable housing provision on site or an off-site contribution. However, it is recommended that the housing is secured via a legal agreement to be occupied by students registered for full time courses at the University of Sussex, except during the summer vacation period when it may be used by students attending local education courses, to ensure policy HO2 would be addressed.

**Design:**

Loss of the original Co-op Building

- 8.18 As noted by the Council's Design and Conservation Officer, the original Co-op building is a landmark building which is locally listed (added to the Local List earlier in 2012, following refusal of BH2011/02417) and afforded a level of protection by Local Plan policy HE10, the building is also considered to be an undesignated heritage asset for the purposes of the NPPF. It was designed as a purpose built department store for the Brighton Co-op Society by the architectural practice of Bethell and Swannell and opened in 1931. The original shopfronts have been lost and the building has been extended a number of times. The building is an example of the facadist approach to disguising large retail and leisure buildings. The later additions and the rear elevation have no townscape merit and do not contribute to the buildings significance, which is focused on the original 1930s element. The building sits well in the wider streetscape and contributes strongly to the street's urban commercial character and it provides evidence of this shopping street's past town centre status.
- 8.19 The site lies just outside the Valley Gardens conservation area and can be seen in glimpses from within the conservation area. To the west is the grade I listed St Bartholomew's Church and to the north of the site, set back from the main building line, is the grade II listed number 87 London Road; consideration should therefore be given to the requirements of Local Plan policies HE6 Development within or affecting the setting of conservation areas and HE3 Development affecting the setting of a listed building to ensure the setting of both are not harmed.
- 8.20 London Road Central Master Plan (SPD10) defines the existing Co-op building as one of the '*buildings that defines the diverse character of the master plan area*'. The SPD also states:

*‘Wherever feasible these unprotected buildings should be retained, enhanced and/or integrated into new development. Where retention is shown not to be viable, the council will seek net gains in respect of master plan objectives, e.g. improved townscape in terms of height and scale, with high-quality architecture for replacement buildings, appropriate land use and sustainable building design.’*

- 8.21 Two alternative development scenarios are detailed in SPD10. These require either:
- *Retain building or retain 1930s core and facade with new development as ‘book ends’.*
  - *Make case for demolition of original building (based on financial viability issues and quality of replacement building); and*
  - *New building not to exceed existing height on London Road.*
- 8.22 The SPD also encourages reconnecting London Terrace to Baker Street. With regard height and massing the SPD advises that:  
*The existing Co-op building should be considered the maximum appropriate height for development. Development in the streets between London Road and Ditchling Road should respect the tight-knit urban grain of those streets and the historic roofline of Ditchling Road, by ensuring that development steps down appropriately in height and scale from London Road frontage.*
- 8.23 The existing Co-op building represents the largest building by some way within the local context of London Road with the majority of the bulk and scale centred along the London Road frontage with the original 1930s element maintaining overall dominance. The building then steps down in scale where later additions have been added to either side of the original core and steps down again along the Baker Street frontage to reflect the much more tight knit form of development which neighbours the site.

Proposed design and impact on the character of the area:

- 8.24 The protection afforded by Local Plan policy HE10 in relation to the buildings local listing and by SPD10 is limited however following the previous refusal of planning permission and subsequent local listing of the building, the applicant has sought to retain the façade of the 1930s core. As noted by the Heritage Team, the retention of the façade is very welcome and this would retain the significance of the building’s local listing, particularly its local landmark status and positive impact on the townscape and is in accordance with policy HE10 and SPD10. The new building has been designed to incorporate a set back from the original façade which will incorporate a new steel frame to support the façade which will in turn be tied onto the front of the new building. The supporting structure has been designed to be largely concealed by the existing 1930s facade. The set back will allow the original glazing pattern to be replicated and so as to clearly distinguish the old from the new. The proposed design would result in the original façade remaining the dominant element whilst successfully integrating with the new build. The materials used on the upper storey above the façade need to be carefully considered in order that they do not detract from the façade in longer views where this storey will be apparent; bright or shiny materials should therefore be avoided.



- 8.25 The Heritage Team also note that the design of the ‘bookends’ of the development to either side of the retained façade have evolved positively and they are considered to respect the scale and symmetry of the original element whilst also successfully turning the corner into Baker Street. The proposed height increase on the London Road frontage is approximately 3m above the highest part of the existing 1930s façade (the maximum height of the proposed building is 20.8m to the top of the central lift shaft compared with the existing maximum of 18.4m). However this top storey would be set back some 7m behind the façade and as such would not be readily visible in relation to the facade except in longer views of the development. The proposed northern bookend would increase by approximately 4.8m when compared with the existing height of this element of the building and the southern would increase by approximately 1.8m above the existing height; it should be noted that the existing bookends are not symmetrical. As can be seen from the view submitted, the additional height and massing would not be apparent in short views on London Road. In longer views from the south particularly the increased height and massing would be most apparent however it is not considered that it would be unduly so or appear overly bulky in the street scene.
- 8.26 The Baker Street elevation is also considered to have an appropriate height and rhythm, making a transition from the larger scale of London Road to the more intimate scale of the residential streets to the east and reflects a similar stepping down to the existing building in three main heights. The height increase along Baker Street is between approximately 2.5m at the eastern end and 5m at the western end where the building steps up towards London Road (these measurements reflect the predominant height of the building and do not include the higher lifts and stair towers on the existing building which are higher). However, given the limited width of Baker Street and the fact that the top storey is set back it is unlikely to be visible except in longer views. Therefore the building is unlikely to generally be perceived as being taller than the parapet height from within Baker Street. At the western/London Road end the parapet is approximately 3m higher than the existing building stepping down to 2.2m higher than existing in the central section, with the greatest increase on the corner of Baker Street and Kingsbury Road which is currently occupied by a modest two storey period property where the height of the eaves to the proposed parapet height is proposed to increase by approximately 5.5m. As such although the scale of development will be more apparent within Baker Street in relation to the predominant smaller scale of the adjacent development, it is not considered that it will be perceived as being significantly larger than the existing building or overly dominant in the street scene.
- 8.27 The overall form, massing, height and footprint of the development are considered acceptable in the local context and the form and layout respect the surrounding urban grain. The extension to London Terrace is also a welcome addition in urban design terms and the introduction of the student/residential entrance to this street will encourage greater connectivity with the local area. The street is well overlooked on either side within the development providing passive surveillance and adding to the feeling of safety. When compared with the previous scheme, there is now a clear distinction between the commercial

frontages on Baker Street and London Road which is separated from the residential development to the rear.

- 8.28 The applicant has included the proposed palette of materials and the predominant material on the elevational treatment will be white render which will be finished with stone detailing used for infill panels between the windows, coping and retail surround on the ground floor including columns. It is proposed to clad the top storey of the building with 'Sto Verotec' coloured glazed cladding panels which will extended down elements of the elevation as well and is proposed on a larger area on the Kingsbury Road elevation. The new glazing units are proposed to be grey aluminium with grey terracotta baguettes fixed across the openable element; not having fully opening windows accords with the Universities requirements, but this method will still allow for ventilation to the rooms.
- 8.29 Matters of detailing and finish are very important to the success of this development and as such appropriate conditions to secure agreement of shopfront designs, the new and proposed replacement glazing within the retained façade and agreement of materials are all recommended.
- 8.30 Landscaping: The application proposes the introduction of three main landscaped areas on the site; one to the rear of the low rise which backs onto the rear garden boundaries of the Kingsbury Road properties and two rooftop courtyard areas. Some detail has been provided as to the proposed landscape species and design of both hard and soft landscaping with some tree planting. The access through the site is also proposed to be landscaped and the successful design of these spaces will be paramount to their success for adding to the quality and aesthetics of the environment and encouraging their full use. Final design and approval of the landscape design is recommended to be secured by condition; particularly given that account needs to be taken of the impacts on existing/proposed services under the ground in relation to tree planting.
- 8.31 Street trees: There are at present five semi-mature Elm trees lining the London Road frontage within the pavement, none of which are specifically protected under a Tree Preservation Order. As a result of the proposed loading bay on London Road, it is regrettable that the applicant has demonstrated that the loss of one of these trees is unavoidable if the loading bay is to be provided and be safe and usable. Given the substantial benefits to neighbouring amenity afforded by relocating the deliveries from the rear of the site onto London Road (discussed further later in this report), the loss of the tree although regrettable is considered acceptable in this instance. The applicant has proposed to replace this tree with two semi mature Elm trees within the vicinity of the site, which are proposed to be secured via the S106 agreement.

**Impact on Amenity:**

Exiting neighbouring occupiers:

- 8.32 Local Plan policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to

human health. The Building Research Establishment (BRE) Report, 'Site layout planning for daylight and sunlight: A guide to good practice' states "*privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m*". The recommended separation distances are likely to vary and in most city centre locations be reduced depending on what is characteristic for the development surrounding the application site.

- 8.33 The existing building has a very unneighbourly relationship with numbers 19 - 24 Kingsbury Road where the building directly abuts the rear garden boundaries and rises up between approximately 8.6m to eaves height (approximately 9.8m to ridge height) and 11.6m to the top of the lift shaft at the north end. The rear garden depths vary between 3m and 5m and as such the existing building has an extremely oppressive relationship with these properties.
- 8.34 Reason for refusal number 3 on planning application BH2011/02417 related to impact on neighbouring amenity, raising concern over the increased scale and bulk of the development and the likely negative impacts on daylight/sunlight and the failure to demonstrate that the proposal would not cause demonstrable harm to neighbouring amenity. The daylight assessment submitted was of a poor quality and did not contain sufficient information to ascertain what the likely impact would be and the plans submitted also contained limited information by way of comparative sections in order to compare the existing and proposed relationships, without which it was not possible to fully judge the extent of the harm. There was however sufficient information to demonstrate that demonstrable harm was likely.
- 8.35 Negotiations have evolved positively in this respect, with a substantial amount of the bulk of the existing development being taken away from the rear of the site and therefore reducing the likely impact on neighbouring properties in London Terrace and Kingsbury Road. The previously refused scheme proposed a substantial scale central wing which extended east across the site where it abutted the rear boundaries of Kingsbury Road properties. The current scheme proposes a form and scale of development which appears more as an extension to the existing development in London Terrace as two three storey blocks with pitched roofs, measuring approximately 7.6m to eaves height and approximately 10m to the ridge height. The separation distances from the rear boundaries of the Kingsbury Road properties has increased to between approximately 10m and 11m, with back to back separation distances of between approximately 14.5m (between number 23 Kingsbury Road) and 20m (between 16 Kingsbury Road). These separation distances are comparable and in most cases much greater than is characteristic for this area of the city and combined with the fact that the buildings are of a similar scale are considered acceptable and a vast improvement to the existing relationship.

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- 8.36 As can be seen from the section drawings and as previously stated above, the height of the Baker Street element of the proposed building is between one and two storeys higher, with a reduced or similar depth when compared with the existing building. The height of the London Road frontage rises up between just under two storeys at the north end and just over a storey higher than the existing building. The bulk and depth are in the main similar to that of the existing building, excluding the rear wing projections at the north and central area of the site. In relation to the northern wing, the bulk has been increased where this wing is proposed when compared with the existing building. The ground and upper ground floors have been pulled back approximately 3.5m and 4m behind the existing building line before rising up another three storeys. The separation distances between neighbouring dwellings numbers 10 – 12 London Terrace, where the bulk increases at first storey/podium level and above, is between approximately 17m and 18.5m.
- 8.37 As noted above although the proposed building seeks to pull development away from the rear/west boundaries of a number of properties which front Kingsbury Road, the height of the Baker Street element to the south of these properties is however proposed to be approximately two storeys higher than the existing building. A comparative section drawing has been submitted to demonstrate the existing compared with the relationship between the Baker Street block and the most immediate neighbouring dwellings to the north along Kingsbury Road. The wall abutting the southern boundary of number 24 Kingsbury Road is slightly lower than the existing walling and then steps away and up another two storeys.
- 8.38 Sunlight/daylight impacts: In order to demonstrate that the proposed increase in bulk and scale will not cause harm to neighbouring amenity in relation to loss of sunlight/daylight, the applicant has also undertaken a sunlight/daylight assessment. The neighbouring dwellings at nos. 36 – 48 Baker Street, 16 – 24 Kingsbury Road and 10 – 13 London Terrace were all assessed in relation to impact on daylighting. All of the windows tested on the Kingsbury Road and London Terrace properties meet the BRE criteria and will retain good levels of daylighting; maintaining a minimum of 80% of the former levels of daylighting. Whilst all the properties tested on Kingsbury Road are predicted to experience improved daylighting as a result of the proposed development; this is as a result of the improved relationship between the existing and proposed development.
- 8.39 The properties along Baker Street however, with the exception of nos. 36 and 37 Baker Street and two windows within the side elevation of no. 104 London Road, all of the windows tested in the front elevations of these properties fall below the standard set out in the best practice standards in the BRE guidance. On conducting a site visit and on assessing Council Tax records it has been possible to ascertain that the first floor windows at nos. 38, 43, 46 Baker Street and those within the side elevation of number 104 London Road are not in residential use and either used for storage or as with those within number 104 London Road which appears to be in use as an office; the impacts are therefore not considered to be of significant concern.

- 8.40 It was not possible to gain access to all of the remaining properties assessed along Baker Street however it was observed that the rooms serving the tested windows relate to either bedrooms or living rooms. With the exception of nos. 38 and 39 Baker Street, each of the existing scenarios falls below that of the BRE guidance and therefore supplementary electric lighting would be likely to be required in both the existing and proposed scenarios. Nos. 41 and 42 are impacted upon the greatest by the development, with a value of 69% of their former value which is below the 80% set out in the BRE guidance.
- 8.41 The impact on these windows is regrettable; however each only falls marginally below the BRE guidance, the site is also in a tight knit city centre location where best practice is not always characteristic or achievable. It should also be noted that any development on this site which is over two storeys (i.e. lower than the existing building on the site) is likely to have a negative impact given that the existing properties on Baker Street are only modest two storey properties themselves.
- 8.42 In relation to sunlight, all the properties tested with the exception of 22 Kingsbury Road, meet the BRE guidance. One of the two windows tested at no. 22 Kingsbury Road will result in a reduction in the amount of winter sunlight hours below the BRE guidance. The rest of the windows tested in Kingsbury Road, including the left hand window tested at no. 22 Kingsbury Road, will result in an improvement in relation to sunlight hours.
- 8.43 The BRE guidance is not adopted policy, although is an important tool in helping to understand the impacts of a proposed development. When considering the impact on this limited number of windows which do not meet the BRE recommendations, it is not considered that the harm caused is sufficient to justify refusing the development on these grounds alone. Furthermore, on balance the benefits of the scheme are considered to outweigh the harm in this respect.

Servicing and deliveries:

- 8.44 The existing service arrangements for the Co-op involved vehicles travelling along the narrow residential streets surrounding the site and then down into London Terrace where a partially screened service yard exists to service the entire building. Reason for refusal number five on planning application BH2011/02417 related to the potential impacts of the proposed service yard to the rear of the site which would have been completely open to the neighbouring dwellings to the rear of the site in Kingsbury Road and London Terrace. The current application has sought to relocate the deliveries to a loading bay on London Road with only refuse collection for the retail and residential element occurring to the rear of the site.
- 8.45 The removal of all of the deliveries to the retail element of the scheme leaving only the refuse/recycling collections is considered to result in a substantial improvement for the neighbouring residents to the rear of the site. The applicant has advised that there would be two to three refuse collections per week depending on recycling arrangements. It is however considered important to manage and monitor refuse/recycling collections through the management

plan to ensure that any collections which could be particularly noisy, such as glass bottle collections, is undertaken at a reasonable hour. It is therefore recommended that the management plan secured by the s106 should ensure that waste collections to the site should only occur between the hours of 8:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank Holidays in order to protect neighbouring amenity.

8.46 It is recommended that deliveries to the retail element should also be managed and controlled in a similar manner. However it should be noted that most of the deliveries will occur on the slightly busier London Road frontage where other retail stores are likely to already be making deliveries at similar times to those proposed by the applicant. Suitable hours for delivery from London Road and Baker Street are recommended to be between the hours of 7:00 and 21:00 Monday to Friday, between 8:00 and 21:00 on Saturdays and between 10:00 and 16:00 on Sundays and Bank Holidays.

8.47 As a result of redesigning and relocating the servicing/delivery arrangements, the rear of the site is now proposed to be residential in character and where the main student accommodation entrance is proposed to be located. The relocation of this access was positively encouraged in design terms by the South East Regional Design Panel and supported by officers. It is however noted that it will require careful management to ensure that neighbouring amenity is preserved particularly in the evenings/at night. It is also a requirement of University of Sussex to ensure that the development is secure at night. As such it is proposed that the access through the site is open for use by the occupants of the development and the public during the day by foot and bicycle, controlled by rise and fall bollards at each end, and is secured by way of gates at night. It is considered reasonable that the north gate is closed and locked at 21:00 with no access via this route (unless in the case of an emergency) after this time. The southern gate will after this time provide the only access into the site after 21:00 and access will be gained using an electronic key fob; access will be managed and monitored by staff from the management suite and monitored through the management plan.

8.48 The proposed roof terraces and courtyard garden to the rear of the low rise blocks which backs onto the rear boundaries of the Kingsbury Road properties will also have restricted access. The northern roof terrace and courtyard garden will be closed at 21:00 and the southern roof terrace will be closed from 23:00. The southern roof terrace has a designated smoking area for students to use as the building is proposed to be non-smoking. The use of this area will be monitored through the management plan to ensure that its use does not give rise to nuisance to fellow student residents and/or neighbouring properties in the wider locality.

Overlooking:

8.49 Reason for refusal number 4 of the previous application related to overlooking from the proposed north roof terrace/north courtyard at first storey level on the building. The applicant has sought to address this concern by introducing a 2m high privacy screen which is set back approximately 3m from the eastern edge of the building. The screen is proposed to be constructed from horizontal

aluminium louvres which will be angled to ensure that longer views are restricted. The combination of the set back from the edge of the building and introduction of the screen will ensure no adverse overlooking will occur from the north roof terrace to any neighbouring dwelling. There will be a lockable opening in the screen to ensure that access can be gained for maintenance purposes including attending to the proposed planting which is proposed along the edge of the terrace. There are some smaller areas of flat roof across the site which are proposed to accommodate green roofing and are not proposed to be accessible apart from for maintenance purposes. A suitably worded condition is recommended to ensure they are not used as amenity space in order to prevent any adverse overlooking/noise and disturbance from their use.

- 8.50 The glazing proposed within the east frontage at the north end of the development, where the building sits opposite London Terrace properties, has been amended to ensure overlooking is avoided. The glazing proposed within the north wing gable end serves numerous communal kitchen/living rooms and is either obscured glazed or high level and obscure glazed. It is recommended that these windows are also fixed shut, they are each secondary windows and as such each room still has an alternative window providing outlook and ventilation. Any other windows within the east elevation of the main block are set within the main London Road frontage block and are a minimum of 34m away from neighbouring properties in London Road and therefore would not give rise to adverse overlooking.
- 8.51 At ground and upper ground floor levels on the east elevation at the northern end of the development, where the building is opposite the existing properties fronting onto London Terrace, each of the bedroom windows are proposed to be angled away from the neighbouring properties to allow limited oblique views north and south. The glazing which fronts the existing London Terrace properties is proposed to be obscure glazed with a louvered screen over the whole area to ensure no overlooking can occur from these windows and to reduce any perceived overlooking. There are also two shared kitchen/living room windows in this section of the building which are proposed to be served by angled bay windows with views to the north and high level obscured glazing on the corresponding side of the bay to ensure no overlooking will occur.
- 8.52 Within the rear elevation of the low rise blocks which back onto Kingsbury Road, the glazing serves the corridors to the rooms and is high level and obscure glazed to ensure no overlooking occurs. A combination of angled bay windows and angled windows are also proposed in the north elevation of the Baker Street block to ensure views are angled to the north west away from the rear of the Kingsbury Road properties. Sufficient distances exist between the remainder of the development to ensure no adverse overlooking would occur. Suitably worded conditions are recommended to ensure the glazing is installed and retained as proposed and where appropriate to provide additional control to ensure they are also fixed shut.

Management Plan:

- 8.53 As noted earlier in this report, a number of matters are recommended to be secured by way of a management plan which will cover (among other details) the following:
- Refuse/recycling collections for retail and student accommodation
  - Retail – deliveries
  - Gate opening times
  - Terrace opening times – monitoring of the smoking area
  - General management arrangements for the student accommodation including the complaints procedure and management relationship between FRESH Student Living and Sussex University.
- 8.54 Future occupiers: Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. HO6 relates to provision of outdoor recreation space in housing schemes.
- 8.55 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off site improvements is therefore recommended to address the requirements of policy HO6.
- 8.56 The applicant proposes two landscaped courtyards at first storey level and one to the rear of the low rise blocks at ground level for shared use to address HO5. Based on the type of development as purpose built student accommodation, shared amenity space is considered acceptable rather than seeking private space for each unit.
- 8.57 The quality of these spaces is however very important and considering the height of the building surrounding each of these spaces they are likely to be overshadowed for a considerable part of the day. Another potential issue with the use of these spaces is the impact from noise disturbance and overlooking of future residents of the scheme, particularly those occupying bedrooms adjacent to these spaces. As noted above, it is therefore recommended the access to these areas is time restricted in order to protect the occupants of the development from unacceptable disturbance. The design of the seating areas should also have consideration for the neighbouring bedroom windows for example.
- 8.58 The applicants submitted a noise assessment to cover a number of factors and recommendations have been made to the type of glazing to be installed to a number of the bedrooms to mitigate against the traffic noise, these rooms are to be installed with windows which contain passive/alternative ventilation with



noise attenuation to ensure that the rooms are ventilated even with the windows closed. Details are to be secured by condition and the recommendations of the report accorded with.

- 8.59 All plant is to be located within the basement of the development. It is recommended that a condition be imposed to ensure suitable levels of sound insulation are provided between plant and residential accommodation and between the retail and residential floors/walls to ensure the residential accommodation is not disturbed by either aspect.
- 8.60 It is recommended that the hours of delivery and opening hours of the retail floorspace is controlled via condition and the management thereof through the management plan along with the aforementioned refuse/recycling collections in order to protect future and neighbouring amenity for noise disturbance outside of reasonable trading hours. Suitable hours for delivery from London Road and Baker Street are recommended to be between the hours of 07:00 and 21:00 Monday to Friday, between 08:00 and 21:00 on Saturdays and between 10:00 and 16:00 on Sundays. The proposed opening hours for the retail element is between 07:00 and 22:00 Monday to Saturday and between 10:00 and 16:00 on Sundays and bank holidays. Given the city centre location these hours are considered to be reasonable and will be conditioned as such.
- 8.61 The proposed residential element is considered to provide an acceptable standard of accommodation and with the imposition of conditions the commercial use is not considered likely to cause unacceptable disturbance to the residential occupiers.

**Sustainable Transport:**

- 8.62 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.63 Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term.
- 8.64 North of the main site along London Terrace, the west side of the street including the area of off street parking on the street is within the applicant's blue edge and has historically been used for staff parking in connection with the retail use. It is the applicant's intention to retain an area for parking which can accommodate six parking spaces which are intended to be retained for staff parking for a limited number of management staff. No other general parking is proposed in connection with the retail or residential development. In order to ensure the development remains car free it is recommended that a Traffic Regulation Order (TRO) is secured to remove the eligibility of the residents of the student accommodation from applying for parking permits. The applicant's

have also advised that the tenancy agreements for students will require them not to bring cars into Brighton.

Cycle Parking:

- 8.65 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. SPG4 seeks a minimum of 117 cycle spaces for the proposed student accommodation element of the scheme. The applicant has been encouraged to provide cycle parking in excess of the minimum and provide for future expansion should demand exist – demand is proposed to be monitored through a Travel Plan and should it out strip supply, a requirement to provide more cycle stands will be imposed. A total of 138 spaces (i.e. 1 space per 3 students) are proposed; 134 spaces are proposed within the secure basement of the development below the low rise blocks, accessed via a large lift, there is also stair access with a cycle gully in case the lift should be temporarily out of order.
- 8.66 The applicants are proposing to use Josta two tiered cycle stands and it is recommended that a condition be imposed which ensures that the system installed is spring loaded and that a notice is erected with the instructions of use to assist usability and encourage full uptake of the stands. At ground floor level in front of the management office two Sheffield stands are proposed which will accommodate the last 4 cycles. An additional 3 Sheffield stands (space for 6 cycles) are proposed on the London Road frontage in connection with the retail use which adequately accords with the requirements of SPG4, plus the existing 6 stands (space for 12 cycles) are to be re-instated following resurfacing.

Disabled parking:

- 8.67 Three disabled parking spaces are proposed within the site on the access street which corresponds to the three proposed accessible units proposed within the development. There is no specific requirement within SPG4 for disabled parking in relation to student accommodation, as such the proposed number is considered acceptable as a starting point. However it is recommended that this provision is monitored annually through the Travel Plan and should additional demand be demonstrated that cannot be accommodated with adequate on street parking for disabled or ambulant disabled visitors for example, provision for additional disabled parking should be made within the parking area on London Terrace in order to meet that demand.

Travel Plan:

- 8.68 A draft Travel Plan has been submitted with the application however, further detail is required. The targets are expected to be comparable to that of the Sussex University Travel Plan and the Co-Op Travel Plan should integrate with the wider Sussex University Travel Plan. There should be a commitment to engage with the Brighton & Hove Bus Company and promotion of 'key' smartcards for bus and rail travel.

Traffic impact:

- 8.69 As noted by the Sustainable Transport Team, the applicant's have sought to maximise the use of sustainable modes and minimise traffic impact at this very

accessible city centre site by providing minimal parking and positive promotional measures. On the basis of assessing the trip generation of all modes of transport (TRICS data) of the existing permitted use on the site when compared to the proposed scheme, the applicant has demonstrate that the impact in transport terms would be significantly less than the existing department store if it were brought back into use. As such, no financial contribution has been sought in this instance as there is no highway impact to mitigate against in this respect.

- 8.70 The applicant has submitted details on the proposed pick up and drop off arrangements at the start and end of the academic year which involves each student receiving an allotted time slot to arrive, with a 20 minute window each drop their belongings (all rooms are fully furnished) to a central holding area to save time, drivers are then required to move off site to park and the student's belongings are then moved to their room. The nearest public car parks to the Co-op site are located at London Road (>500 spaces), Theobald House (270 spaces) and the Brighton Station (<500 spaces). It is estimated that using 6 spaces on the site and on London Terrace would allow for 18 students per hour to move their belongings into the building which equates to approximately 20 hours to fill the building. The applicant's intend to undertake this once at the beginning and once at the end of academic year over the course of a weekend, as the students are not required to move out of their room over any holiday period except when they vacate in the summer. The University then intend to accommodate students attending their summer school courses during the summer vacation. Moving will be assisted by marshals/stewards employed to ensure the free flow of general traffic and to avoid disruption to other highway users. The organisation of the process and a stewarding plan is also recommended to be secure by the management plan and monitored accordingly to ensure that the least disruption is caused to the public highway.

Public realm improvements and Public Art:

- 8.71 In accordance with SPD10, public realm improvements have been negotiated to the Baker Street and London Road frontage as well as to London Terrace. An indicative plan has been submitted which proposes resurfacing of all of the Baker Street and London Road frontage with an area of feature paving to the corner where both streets meet, a new bench and cast iron tree gilles with uplighting. The proposed loading bay is to be laid out as a shared space, integrated into the pavement with a tonal and textural contrast between the materials of the pavement and those which will cover the loading bay rather than the originally proposed more traditional loading which would have been cut into the pavement with a kerb edge and tarmaced over. This type of loading bay has been successfully integrated elsewhere in the city and offers an improved public realm and pedestrian experience excluding the limited time they are in use for loading. It is proposed to resurface part of London Terrace, tidy up the existing un-formalised parking area to the northern end, along with removing the existing bollards on the pavement and replacing those to the north end of the street with stainless steel bollard in place of the existing rather old bollards which are mostly rusted and have deteriorated over the years. The indicative plan includes some recommendations for types of surfacing as well as street furniture, the final design and materials are proposed to be secured

via a s278 Agreement in consultation with the Sustainable Transport Team and guided by the Council's Streetscape Design Guidelines. It is also recommended that a Stage 1 Safety Audit is secured by the s106 and Stage 2 is then secured via the s278 Agreement.

- 8.72 Linked to the public realm improvements is the Public Art contribution which is sought by Local Plan policy QD6. The applicant has already met with the Council's Public Art Officer to discuss potential options for the site and some ideas which have been proposed include commissioning an a local artist to design the gates for both the north and south entrance to the site to ensure they are a feature which adds to the scheme rather than being too functional and utilitarian. Other proposals include the potential for street furniture, feature paving and a lighting scheme for the facade. As can be seen the public realm improvements and public art are inextricably linked and should therefore be considered together when designing up the public realm improvements in order to gain the most from the scheme.

**Sustainability:**

- 8.73 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.74 The Council Sustainability Officer has assessed the information submitted and considers that the previous concerns have been addressed confirms the information submitted with the application indicates that key sustainability policy issues in Local Plan Policy SU2, SU16, SPD10 and SPD08 have been addressed.
- 8.75 As a major scheme, the development is expected to meet standards set out in SPD08 of BREEAM 'excellent' and to achieve a minimum of 60% score in energy & water sections. The submitted pre-assessments for BREEAM 'Multi Residential' and BREEAM 'Retail' confirms that these will be achieved.
- 8.76 There is an intention to build the Retail element to Shell & Core, and securing the 'Fit Out' to BREEAM excellent can be secured via a Green Lease arrangement which is recommended to be secured via the s106 agreement which will ensure that future tenants of the retail element fit out the space to a BREEAM 'excellent' standard. The Officer also notes positive aspects of the scheme which include the proposed communal heating system with air source heat pump based plant which will have the capacity for connection to any future district heating network as expected by SPD10 (it is also recommended the future connection capability is secured via s106 agreement). A large roof mounted photovoltaic array of a minimum of 300m<sup>2</sup> (43kW<sub>p</sub>e) along with the addition of areas of green roof and green walling is proposed. Commitment has also been given to integrate edible landscaping into the overall landscaping scheme for the site including espaliered apple trees and herb and salad plants in raised beds.

Ecology/Nature Conservation:

- 8.77 The Ecology Officer has considered the ecological report submitted in support of the application ('Extended Phase 1 Ecological Assessment, Watkins Jones Group, 15 August 2012) and confirms that it accurately describes the existing nature conservation value of the site as low. The report offers a menu of nature conservation enhancements which are proposed in Section 6 of the document, principally the installation of green roofs, a green wall and nest boxes for urban birds. The officer also notes that, if implemented correctly as part of a future development these measures fully address nature conservation policy. It is therefore recommended that conditions are imposed to secure; a mitigation strategy to ensure nesting birds are not disturbed during the construction phase of the development, details of the construction of the proposed green roofs and wall and details of the bird boxes.

**9 CONCLUSION**

- 9.1 The principle of the mix of uses is acceptable and will not cause harm to the vitality and viability of the town shopping centre of London Road and adequately accords with policy SR5 in this respect. The University of Sussex have confirmed their support for and acceptability of the design of the student accommodation, along with their role in the management of their students who would occupy the development. With the requirement to secure a Management Plan for the development and restriction to ensure that only those students on full time courses at the University of Sussex or short term summer courses during the summer vacation the principle of the student accommodation is considered acceptable.
- 9.2 The retention of the 1930s façade of this locally listed building is welcome and has been designed in order to maintain its prominence and significance in the scheme and in the surrounding street scene. The design of the new building, with the imposition of conditions to control the detail, is of an acceptable standard, will not cause harm to the character of the area, the setting of the nearby Valley Gardens Conservation Area or neighbouring listed buildings. With the imposition of conditions and with the additional controls which will be monitored through the management plan, the impacts on neighbouring amenity are considered acceptable. The addition of public realm improvements and public art, achievement of BREEAM 'excellent' and significant improvements to ecology on site, along with off site contributions towards improving open space and training and employment opportunities are also supported. The development will bring about the redevelopment of a substantial vacant site which is deteriorating and has been subject to repeated vandalism.

**10 EQUALITIES**

- 10.1 The development should be designed to be fully accessible for residents and visitors alike.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Section 106 Agreement

#### Heads of terms to secure the following:

- £422,441 open space contribution for off site improvement works.
- £20,230 - contribution towards Local Employment scheme.
- Training and Employment Strategy using 20% local labour during the construction phase.

#### Transport Measures:

- Measures to ensure the development remains car free - TRO to exclude able bodied residents from obtaining a parking permit.
- A Travel Plan - which should monitor the demand for disabled parking and if necessary make provision of further spaces within the London Terrace car park. The Travel Plan should also monitor the uptake and demand for cycle parking and where necessary make provision for more cycle parking.
- S278 Agreement to secure the highway works and public realm works to London Road, Baker Street and London Terrace.
- Contribution for Public Art - £100,000

#### Occupation Restriction:

- Accommodation Management Plan – retail and student accommodation, management refuse/recycling, deliveries, start and end of term arrivals and departures along with a stewarding plan, control of the use of the amenity spaces and smoking area.
- A restriction on the occupation of the accommodation to only those attending full time academic courses at the University of Sussex or short term summer courses at a local educational facility during the summer vacation.

#### Sustainability measures:

- Green Lease Agreement - BREEAM Retail 'excellent' and at least 60% in energy and water is to be achieved at 'Fit-Out' stage.
- Heat network ready communal heating system.

#### Other:

- Replacement tree planting – two Elm trees within the vicinity of the site.
- Construction Environmental Management Plan (CEMP).
- Retail floorspace shall be completed and made available for use prior to first occupation of the student accommodation.

### 11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
London Road and Baker Street Elevations	EL_001	C	27 November 2012
London Terrace Elevations	EL_002	C	12 November 2012
Kingsbury Road Elevations and London Terrace back gardens	EL_003	C	12 November 2012
Wing Elevations	EL_004	C	12 November 2012
Existing Elevations	EL_005		30 August 2012
Existing Elevations	EL_006	A	10 September 2012
North Courtyard Section	EL_007	B	14 November 2012
24 Kingsbury Road Sections	EL_008	A	22 November 2012
Fire Escape Door Detail	EL_009	A	8 November 2012
Elevation Details_1 proposed	EL_010		15 November 2012
Elevation Details_2 proposed	EL_011		15 November 2012
Elevation Details_3 proposed	EL_012		15 November 2012
Elevation Details_4 proposed	EL_013		15 November 2012
Fire Strategy Plan Ground Floor	FS_001	A	8 November 2012
Fire Strategy Plan First Floor	FS_002	A	28 November 2012
Fire Strategy Sections	FS_003	A	8 November 2012
Ground Floor Plan proposed	PL_001	F	12 November 2012
Upper Ground Floor Plan Proposed	PL_002	B	8 November 2012
First Floor Plan Proposed	PL_003	D	20 November 2012
Second Floor Plan Proposed	PL_004	C	16 November 2012
Third Floor Plan Proposed	PL_005	B	16 November 2012
Fourth Floor Plan Proposed	PL_006	C	16 November 2012
Fifth Floor Plan Proposed	PL_007	C	28 November 2012
Roof Plan Proposed	PL_008	C	16 November 2012
Basement Plan Proposed	PL_009	E	8 November 2012
Site Location Plan Proposed	PL_010	B	16 November 2012
Student Entrance and Management Office Plan	PL_012	B	14 November 2012
Existing Basement Plan	PL_013		30 August 2012
Existing Ground Floor Plan	PL_014		30 August 2012
Existing First Floor Plan	PL_015		30 August 2012
Existing Second Floor Plan	PL_016		30 August 2012
Existing Third Floor Plan	PL_017		30 August 2012
Existing Fourth Floor Plan	PL_018		30 August 2012
Proximity of Proposed Building to London Terrace	PL_019	A	18 September 2012
Block Plan	PL_027		10 September 2012
Block Plan – Existing	PL_028		10 September 2012
Typical 5 Bed Flat Cluster	PL_029		2 November 2012
Typical Studio Layouts	PL_030		2 November 2012

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Typical Small Studio Layouts	PL_031		
Public Realm Improvements	PL_032	A	16 November 2012
Site Sections Sheet 1	SE_001	B	8 November 2012
Site Sections Sheet 2	SE_002	B	8 November 2012
Site Section Locations	SE_003	A	8 November 2012
Retained Facade Details	SE_004	A	14 November 2012
Façade retention assumed sequence of works	WEL_407_ SK20	P1	12 October 2012
Site Sections Sheet 3	SE_005	B	22 November 2012
3D Views 1	SK_005		15 November 2012
3D Views 2	SK_006		15 November 2012
3D Views 4	SK_008		15 November 2012
3D Views 5	SK_009		15 November 2012
3D Views 014	SK_014		
3D Views 010	SK_020		15 November 2012
Ground floor landscape proposals	03	D	30 August 2012
First floor landscape proposals	04	E	30 August 2012
Ground floor planting proposals	05	A	30 August 2012
First floor planting proposals	06	B	30 August 2012
Proposed delivery lay-by	2370-TR-23	B	2 November 2012
Proposed delivery lay-by	2370SK-21	H	26 October 2012
CGI Sheet-1	RE_001		30 August 2012
CGI Sheet - 2	RE_002		30 August 2012
CGI Sheet – 3	RE_003		30 August 2012
CGI Sheet - 4	RE_004	A	14 September 2012

- 3) Unless otherwise agreed in writing, demolition of the building and retention of the façade shall be carried out in strict accordance with the *'Westlakes Consulting Design Consultants Demolition & Façade Retention Strategy – ref: 407\_Struct\_001, issue 01'* and drawing no. WEL\_407\_SK20\_P1 'Façade Retention – Assumed Sequence of Works'.  
**Reason:** To ensure the satisfactory preservation of the facade and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.
- 4) The windows within the east elevation of the north rear wing at first, second and third storey levels, which serve the communal kitchens/living rooms shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy and QD27 of the Brighton & Hove Local Plan.
- 5) The windows within the east elevation at first storey level serving the 'Student Common Room' as shown on drawing numbers EL\_002 revision C received 12 November 2012, PL\_003 revision D received 20 November



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2012 and PL\_012 revision B received 14 November 2012, shall be fixed shut and thereafter permanently retained as such.

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

- 6) The windows within the east elevation of the north rear wing at first, second and third storey levels, which serve the communal kitchens/living rooms shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy and QD27 of the Brighton & Hove Local Plan.

- 7) The angled windows servicing the bedrooms on the north elevation of the Baker Street frontage block, on the upper ground, first, second and third storey floor level shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL\_002 revision B received 8 November 2012, PL\_003 revision D received 20 November 2012, PL\_004 revision C and PL\_005 received 16 November 2012, and corresponding elevational drawing EL\_004 revision C received 12 November 2012, this element of the glazing should also be fixed shut and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 8) The angled windows servicing the ground and upper ground floor level bedrooms opposite London Terrace shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL\_001 revision F received 12 November 2012 and PL\_002 revision B received 8 November 2012 and corresponding elevational drawing EL\_002 revision C received 12 November 2012, this element of the glazing should also be fixed shut and thereafter permanently retained as such. The angled bay window to communal kitchen/living rooms associated with these bedrooms should also be obscure glazed as shown on the aforementioned drawings, fixed shut and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 9) The retail use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Saturdays and 10:00 and 16:00 on Sundays and Bank/Public Holidays.

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

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- 10) No deliveries to or from the retail development hereby approved, shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and between 10.00 and 16.00 Sundays, Bank or Public Holidays. All deliveries to the larger retail units which front onto London Road shall be made from the loading by on London Road and not to the rear of the development.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 11) No servicing for collection of refuse/recycling at the site shall occur except between the hours of 08:00 and 19:00 on Mondays to Saturdays not at all on Sundays or Bank/Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 14) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 15) Access to flat roof areas across the development hereby approved, other than those areas which are expressly defined as amenity space as shown on drawing number PL\_003 revision D received 20 November 2012 and labelled 'North and South Garden' and 'North and South Courtyard', shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

### 11.3 Pre-Commencement Conditions:

- 16) No development shall commence until details of a mitigation strategy to ensure nesting birds are not disturbed during the demolition and construction phases of the development hereby approved, 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.

**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 policy QD17 and QD18 of the Brighton & Hove Local Plan.

- 17) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the retail development will achieve a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the retail development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 18) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM

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Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant BREEAM assessment within overall 'Excellent' for the development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 19) No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in strict accordance with the approved details and timetable agreed.

**Reason:** To prevent the increased risk of flooding and to prevent the pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove City Plan.

- 20) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

**Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 21) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) 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 BS10175:2001;

- and, unless otherwise agreed in writing by the Local Planning Authority,
- (c) 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 scheme shall include the nomination of a competent person to oversee the implementation of the works.
  - (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above 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 such verification shall comprise:
    - a) as built drawings of the implemented scheme;
    - b) photographs of the remediation works in progress; and
    - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

**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.

#### 11.4 Prior to the completion of the ground floor slabs

- 22) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details showing the type, location and timescale for implementation of the six compensatory bird boxes have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.
- 23) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix. The scheme shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
- 24) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed green walling have been submitted to and approved in writing by the Local

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Planning Authority. These details shall include timescale for implementation and maintenance programme and irrigation system, substrate to be used and plant species. The scheme shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 25) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the final design and location of the proposed Photo Voltaic panels to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 26) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the spring loaded or similar mechanism for the Josta cycle parking facilities and proposed signage with instructs for use (to be erected in the cycle parking store) to provide a total of 134 spaces in the basement as shown on drawing number PL\_009 revision E received 8 November 2012, have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To 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.

- 27) No work shall take place above the ground floor slab level of any part of the development hereby approved, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include edible landscaping/food growing, hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 28) No work shall take place above the ground floor slab level of any part of the development hereby approved, unless or until a scheme for the storage of refuse and recycling for the retail units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the

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development 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.

- 29) No work shall take place above the ground floor slab level of any part of the development hereby approved, until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 30) No work shall take place above the ground floor slab level of any part of the development hereby approved, until drawings illustrating the landscape features, including fencing, screening, the steps, walls and seating areas across the development, at a scale of 1:20 or greater, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 31) No work shall take place above the ground floor slab level of any part of the development hereby approved, until 1:20 scale elevations and sections of the detailed shop front and doors design and the design of the three external fire doors within the shop fronts, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, QD5 and QD10 of the Brighton & Hove Local Plan.

- 32) No work shall take place above the ground floor slab level of any part of the development hereby approved, until full details of the proposed replacement glazing within the retained façade including any opening mechanism, sections and the profiles of the glazing bars at 1:20 scale, along with a window sample, 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:** To ensure a satisfactory appearance to the development and to comply with policy QD1 and HE10 of the Brighton & Hove Local Plan.

- 33) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of external lighting have been submitted to and approved in writing by the Local Planning

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Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

- 34) Unless otherwise agreed in writing by the Local Planning Authority, no work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the proposed glazing and ventilation method to be installed to the bedrooms identified in the submitted report, '*WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12*', which shall achieve a BS8233 'Good' standard, have been submitted to and approved in writing by the Local Planning Authority. The approved glazing and ventilation method shall then be installed to the bedrooms as per the aforementioned reports recommendations.
- Reason:** To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 35) No work shall take place above the ground floor slab level of any part of the development hereby approved, until a scheme for the soundproofing of the floors and walls between plant rooms and the student accommodation and between the commercial units and the student accommodation, as recommended by submitted report, '*WYG Environmental: Former Co-op Building, London Road, Brighton, Proposed Mixed Retail and Student Residential Development, November 2012, A069178-3, revision 3 08/11/12*', has been submitted to and approved in writing by the Local Planning Authority. 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.
- 36) No work shall take place above the ground floor slab level of any part of the development hereby approved, until details of the junction between the retained façade and the new build at each end, including the formation of the short returns of the retained stone façade, 1:10 scale, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE10 of the Brighton & Hove Local Plan.



11.5 Pre-Occupation Conditions:

37) Unless otherwise agreed in writing by the Local Planning Authority, the privacy screening as shown on drawing number PL\_003 revision D received 20 November 2012 and EL\_007 revision B received 14 November 2012 shall be erected prior to first occupation of the student accommodation hereby approved. The screen shall then be retained as such at all times.

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

38) The development hereby permitted shall not be occupied until the cycle parking facilities shown on drawing number PL\_001 revision F received 12 November 2012 located in front of the management office have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

39) The residential element of the development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

40) Unless otherwise agreed in writing by the Local Planning Authority, non of the residential development hereby approved shall be occupied until a Multi Residential BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a Multi Residential BREEAM rating of 60% in energy and 60% in water sections of relevant Multi Residential BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.6 Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The principle of the mix of uses is acceptable and will not cause harm to the vitality and viability of the town shopping centre of London Road and adequately accords with policy SR5 in this respect. The University of Sussex have confirmed their support for and acceptability of the design of the student accommodation, along with their role in the management of their students who will occupy the development. With the requirement to secure a Management Plan for the development and restriction to ensure that only those students on full time courses at the University of Sussex or short term summer courses during the summer vacation the principle of the student accommodation is considered acceptable.

The retention of the 1930s façade of this locally listed building is welcome and has been designed in order to maintain its prominence and significance in the scheme and in the surrounding street scene. The design of the new building, with the imposition of conditions to control the detail, is of an acceptable standard, will not cause harm to the character of the area, the setting of the nearby Valley Gardens Conservation Area or neighbouring listed buildings. With the imposition of conditions and with the additional controls which will be monitored through the management plan, the impacts on neighbouring amenity are considered acceptable. The addition of public realm improvements and public art, achievement of BREEAM 'excellent' and significant improvements to ecology on site, along with off site contributions towards improving open space and training and employment opportunities are also supported. The development will bring about the redevelopment of a substantial vacant site which is deteriorating and has been subject to repeated vandalism.

2. A formal application for connection to the water supply is required in order to service this development. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
3. The site is known to be or suspected to be contaminated. **Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.** The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.
4. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the

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applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition.

It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

5. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
6. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.
7. 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk).



**Brighton & Hove  
City Council**

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COUNCILLOR REPRESENTATION

Kate Brocklebank  
Senior Planning Officer  
Major Developments Team  
Development Control, City Planning  
Brighton & Hove City Council  
First Floor, Hove Town Hall  
Norton Road Hove  
BN3 3BQ

Date: 27 November 2012  
Our Ref: PW/LD/jeh  
Your Ref:  
Fax: 01273 291003  
e-mail: [pete.west@brighton-hove.gov.uk](mailto:pete.west@brighton-hove.gov.uk)

Dear Kate Brocklebank

Re: **BH2012/02675, Co-op Building, London Road**

Cllr Lizzie Deane and I write in our capacity of local ward councillors for the London Road area, and in particular on behalf of concerned residents of London Terrace, with regard to the proposed development of the former Co-op building on London Road.

We acknowledge the improvements in this application over its refused predecessor, including saving of the historic façade; some reduction in the number of residential units; improvement of the streetscape of London Terrace with the redesign of the rear elevation; improved sustainability, and introduction of a garden with potential as a community growing space. We recognize that these improvements have been met with support from some previous objectors in the local community. Like others we are also keen to see the site back in use. However, despite the improvements we nevertheless continue to challenge the appropriateness of use of this site for high volume student accommodation and have many concerns about the impact that will have.

We are concerned by the impact on the retail viability of London Road as a designated shopping district, with the loss of significant retail capacity and moreover the loss of the only anchor store. We are also concerned by the impact a high number of students on-site will have on London Road's retail mix. London Road is an area already noted for its high and increasing number of off-licences and take-away premises. It is questionable therefore whether the influx of students will do anything to enhance the local economy or retail offer.

Many residents consider that high-density student accommodation is unsuitable both for this building and the wider vicinity, and that family or elderly accommodation would be more appropriate. The Planning Committee is asked to consider this point within the context of the cumulative impact of proposals for new student accommodation at nearby City College, the proposed new high density student accommodation at the former Buxton's site in Ditchling Road, and other existing purpose built and HMO student accommodation in the general area. We are concerned that the disproportionate concentration of students in this one area may contribute to the already prevalent issues with anti-social behaviour.

Contd.



**Brighton & Hove  
City Council**

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COUNCILLOR REPRESENTATION

Looking at the issues confronting London Terrace and Baker Street in particular:

The proposal opens a new public day-time thoroughfare from Baker Street to the existing cul-de-sac of London Terrace. While this will be of benefit to general pedestrian movements in the area, it will generate a sudden, significant and completely new traffic in London Terrace. There will be movements from the students and staff at the proposed accommodation, but moreover public movement traversing a route to London Road Station will be attracted, which will have wider implications for residential amenity in roads en route, for example, Shaftesbury Road.

The pavement in London Terrace is too narrow to accommodate the greatly increased footfall, and pedestrians using the footway will be forced into close proximity to existing residential properties causing loss of amenity for residents. No improvement is offered by the developers to mitigate these impacts on London Terrace, and we believe that should the proposals proceed then developers should be obliged to improve London Terrace as a shared space environment. This would improve the pedestrian environment and allow some pedestrians to give the residential properties a wider berth.

Additionally, we are concerned that London Terrace street will not easily accommodate the vehicle access required for moving in and out of all students at the start and end of term. This concern extends to the impact on wider traffic movements, resultant air pollution in the AQMA, impact on access for emergency services if cars are queuing in Baker Street. What realistic plan to manage mass arrivals and exodus can possibly be developed? We also seek assurances that students will not be expected to vacate at Easter and Christmas so that the accommodation can be temporarily let leading to even more arrivals and departures.

The roof terraces at the rear of the building will result in overlooking and invasion of privacy to the residents of London Terrace. Additionally, their use as recreational and smoking terraces will result in polluting smoke drift and unacceptable noise levels at all times of day and night. If the terraces are to be closed at night to prevent this problem, it simply raises more questions as to where smokers will congregate at this time. We are concerned that night-time smokers would choose to either congregate within the gated outside area or if that is restricted then on the pavement of Baker Street with attendant impact on the amenity of residents. It would be far better to have a designated, noise and air pollution controlled space, for 24 hour use, than leave this matter to chance.

Returning to the roof terrace, we seek assurance that noise screening will be installed, and that the benefit of this will not be undermined by the echo from hard building surfaces.

We are concerned about impact of bedroom use in relation to neighbouring residents, and seek assurances that there will be no overlooking and that noise breakout will be prevented. Experience of Southover Street halls has shown that attempts to control noise by management, regulation and enforcement simply do not work, so noise impact must be limited by physical design. Will all amplifiers in bedrooms be required to have physical noise limiters fitted? What acoustic baffling will be installed and how will exterior surfacing design ensure any noise leakage is not reflected and projected to neighbours.

Local concerns of noise resulting from the student accommodation at Southover Street sets a strong precedent which is feared will be repeated with this development. It is questionable as to whether the use of this building for student accommodation will alleviate the issue of studentification in the local area. Accommodation is small cramped, rooms tend to be unpopular with students, who generally prefer the greater freedom of residential houses.



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City Council**

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COUNCILLOR REPRESENTATION

The proposal argues that it is aimed at post graduate students, but is hard to believe post graduates will be attracted by the highly managed regime required for this location, and will prefer instead to live in the community. In which case, this development will become a halls for freshers who are much more inclined to take up this sort of managed accommodation. And so, the development will fail to contribute to addressing the desire to see more suitable purpose build accommodation to alleviate issues of high concentration of students living in HMOs.

We welcome that loading of goods for retail and consumables for student accommodation will be from London Road. But we seek assurance that no option for service parking loading/ unloading of goods and waste will occur from the rear in London Terrace. Likewise, we ask that the student entrance is on London Road only.

The building, at 6 storeys, is still be too high and will have adverse effects on sunlight to the properties in London Terrace, particularly no's 10 and 11.

Two of the reasons for refusal of the previous application still remain:

**REASON 3:** The increased scale and bulk is considered to result in an unneighbourly form of development which in the absence of evidence to the contrary is considered likely to have an adverse effect on neighbouring amenity by way of loss of light/overshadowing and resulting in an overbearing impact contrary to policy QD27 of the Brighton & Hove Local Plan.

**REASON 4:** The proposed roof terraces will cause adverse overlooking to neighbouring dwellings and in the absence of information to the contrary could result in adverse noise disturbance to existing and proposed residents contrary to policy QD27 of the Brighton & Hove Local Plan.

We therefore request that permission is not granted at this stage, to allow the developers to address these points, and to in particular to:

- offer the only points of entry from London Road, not at all from London Terrace
- keep the height at its current level so as not to reduce daylight hours to London Terrace
- create a space to accommodate smokers that will not impact on local residents through noise and odour.
- to ensure zero noise nuisance is possible from outside or inside areas

If the Committee is minded to grant the application, we would request that they set the following conditions:

- permanent 24-hour wardens who will manage student behaviour and noise levels
- amplifiers in bedrooms and common rooms are fitted with volume limiters
- acoustic baffling be installed and exterior surfacing designed to ensure noise is not reflected and/or projected
- no deliveries or waste storage and collection is permitted at the rear of the building
- assurance given that students will not have to remove their belongings at Christmas and Easter term endings to permit temporary re-letting of accommodation.



**Brighton & Hove  
City Council**

PLANS LIST – 12 DECEMBER 2012

COUNCILLOR REPRESENTATION

- a traffic management plan ensures these mass arrival and departures do not contribute to traffic, air quality and emergency service access issues.
- Making London Terrace a shared space environment

Yours sincerely,

Pete West  
Lizzie Deane  
Councillors for St Peter's & North Laine Ward (Green Party)

