

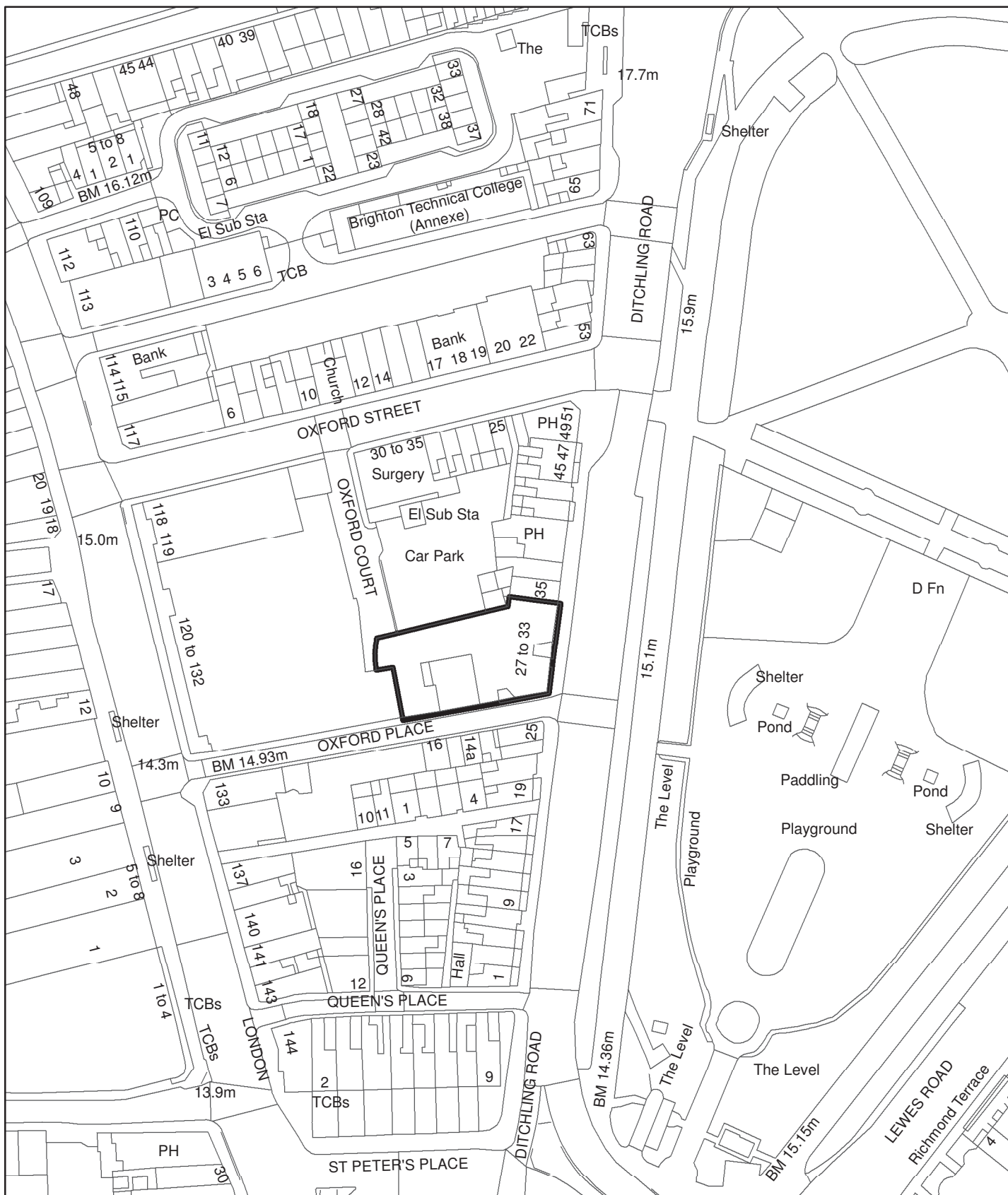
**PLANS LIST
ITEM A**

27-33 Ditchling Road, Brighton

**BH2012/03707
Full planning consent**

03 APRIL 2013

BH2012/03707 27-33 Ditchling Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/03707	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	27-33 Ditchling Road, Brighton		
<u>Proposal:</u>	Demolition of existing building and construction of new 4no storey building providing retail (A1), offices (B1), financial and professional services (A2) and restaurant/café (A3) uses at ground floor level and student accommodation (sui generis) (total of 86 rooms) at ground, first, second and third floor levels with associated works.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	21/11/2012
<u>Con Area:</u>	Adjoining Valley Gardens	<u>Expiry Date:</u>	20/02/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Zise Ltd, Mr David Dalton, Curtis House, 34 Third Avenue, Hove		

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 resolves to **REFUSE** planning permission for the reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to an end of terrace two storey property (large floor to ceiling heights) located on the corner of Oxford Place with Ditchling Road. The property is currently vacant but was formerly in use as a retail unit with ancillary storage. There is an inset hardstanding located adjacent to Oxford Place which can accommodate 8 parking spaces. A delivery and loading bay is located to the rear of the building, accessed from Oxford Court.
- 2.2 In a wider context this site lies in an area of mixed character, within the London Road Town Shopping Centre. In the immediate surroundings there are commercial properties at ground floor level with office and residential accommodation above. Somerfield supermarket and a car park adjoin the site to the northwest. The buildings fronting Ditchling Road and the southern side of Oxford Place are of varying height ranging typically between 2 - 3 storeys. The buildings to the west of the site (London Road) are larger in scale (3 + storeys).

3 RELEVANT HISTORY

BH2011/00806: Application to extend time limit of previous approval BH2008/00535 for the demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments. Approved 19/01/2012.

BH2008/00535: Demolition of existing building. Proposed change of use to mixed use development comprising (D2) Gym, (A1) Retail and (C3) 28 apartments. Approved 06/06/2008.

BH2007/03476: Demolition of existing structure (former furniture store) with construction of mixed use development comprising leisure, retail and thirty flats. Refused 02/01/2008.

BH2007/00581: Demolition of existing buildings and erection of four storey building (five storeys at rear) to provide ground floor retail with 27 flats above (6 x 1 bed units and 21 x 2 bed units). Refused 07/06/2007.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing building and the erection of a four storey building comprising commercial floorspace and a reception at ground floor level, and student accommodation (86 rooms) at ground, first, second and third floor level.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No comments received.
- 5.2 **Environment Agency:** No comment.
- 5.3 **East Sussex Fire and Rescue Service:** No comment.
- 5.4 **Sussex Police Crime Prevention Officer:** No objection.
- 5.5 **Conservation Advisory Group (C.A.G.):** Support the application. The proposed design is considered sympathetic to neighbouring buildings.

Internal:

- 5.6 **Planning Policy:** Object. The principle of purpose built student housing is considered contrary to policy CP21 of the Brighton & Hove City Plan Part One as there is an extant permission for housing on the site and the site is identified for housing in the Councils Strategic Housing Land Availability Assessment. The proposed reduction in retail floorspace is considered acceptable having regard to policy SR5. A contribution of £103,504.11 is required towards sports, recreation and open space. A contribution of £19,500 is required towards public art.
- 5.7 **Heritage:** Objects / seek amendments. The overall scale of the proposed building is considered acceptable, the proposal is no higher than the previously approved scheme therefore it is considered that there would be no harmful impact upon views of St. Bartholomew's Church. The design approach at ground, first and second floor level (subject to the submission of detailed drawings which could be secured by planning condition) is considered appropriate. The design of the proposed third floor and roof are however considered inappropriate and require revision. It is recommended that the third floor be set back and re-designed so as to continue the vertical divisions and

rhythms of the floors below. The proposed mono-pitched roof, in comparison to a flat roof, has no real benefit as the roof pitch is very shallow. The columns between the shopfronts on the Ditchling Road frontage should be rendered rather than brick so that they appear continuous from the rendered walls above and more in keeping with the adjacent shopfronts.

- 5.8 **Sustainable Transport:** Object in the absence of a legal agreement to secure contribution towards sustainable transport infrastructure and a T.R.O. amendment to ensure that future residents are not eligible for residents' parking permits, and in the absence of parking provision for people with a mobility related disability.
- 5.9 The submitted information demonstrates that the proposed development is unlikely to cause congestion or a highway safety risk. For the scheme to be considered acceptable the following would however be required:
- A contribution towards sustainable Transport Infrastructure secured by legal agreement.
 - Proposals to provide parking provision for people with a mobility related disability (policy TR18).
 - A travel plan to be secured by planning condition.
 - Further details of the proposed cycle parking provision (which should ideally be covered) to be secured by planning condition.
 - Further details of a method to deal with the arrivals and departures at the start and end of term, which appears to be reliant upon use of the public car park to the rear of the site.
 - Measures to secure the amendment of the relevant T.R.O. to ensure that future residents are not eligible for residents' parking permits, and measures to ensure that students residing at the application property would not have a private motor vehicle (legal agreement / planning conditions).
- 5.10 **Environmental Heath:** Object / seek addition information. A noise assessment has not been carried out. The application site is adjacent to Ditchling Road and therefore future residents could be subject to noise disturbance. No objection on grounds of air quality.
- 5.11 **Access Officer:** No comment.
- 5.12 **Sustainability:** Object / seek addition information. The sustainability standards proposed are below the recommended standards set out in SPD08. Insufficient justification of this lower standard of sustainability has been submitted. In regard to energy it is detailed that Gas CHP, photovoltaic or solar hot water panels may be proposed. These options all require external features which in themselves would require planning permission. It has not been demonstrated that the space allocated to solar technologies at roof level would be sufficient to provide the energy required. Gas CHP would require external extraction and could deteriorate local air quality; where such a system is proposed full details would be required at application stage in order to fully assess such matters. Based upon the information submitted to date, approval cannot be recommended.

- 5.13 **Ecologist:** Objects / seek addition information. The application submission does not provide details of nature conservation enhancements which would address the requirements of policy QD17 of the Brighton & Hove Local Plan and the guidance set out in SPD11.

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, namely The South East Plan (6 May 2009);
 - Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 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.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR12	Helping the independent movement of children

PLANS LIST – 03 APRIL 2013

TR14	Cycle access and parking
TR18	Parking for people with a 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
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and reuse 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	Street frontages
QD6	Public art
QD10	Shopfronts
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM4	New business and industrial uses on unidentified sites
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

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Supplementary Planning Guidance Notes:

SPGBH4: Parking Standards

Supplementary Planning Documents:

SPD02: Shop Front Design

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

CP21 Student Accommodation and Houses in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of the existing retail use and proposed commercial uses and student accommodation, the demolition of the existing building and the suitability of the site to accommodate the proposed building, the impact of the development upon the character and appearance of this site, the wider locality and important strategic views of the adjoining conservation area and nearby listed St Bartholomew's Church, neighbouring amenity, the standard of accommodation which the proposed student units would provide, transport and sustainability.

Principle of development:

The proposed student accommodation at ground, first, second and third floor level

- 8.2 Student accommodation is proposed to all floors of the proposed building as follows:
- Ground floor: Reception, office, servicing, refuse store, courtyard including cycle storage, one wheelchair accessible studio flat and a second studio flat.
 - First floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.
 - Second floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.
 - Third floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.
(86 rooms in total)
- 8.3 The Brighton & Hove Local Plan does not specifically address the issue of purpose built student accommodation. This matter is addressed in the emerging Brighton & Hove City Plan Part One in the form of policy CP21. It is considered that in such a case, where the adopted Local Plan is silent on an issue, and the emerging City Plan provides specific policy, that this emerging policy should be given weight.
- 8.4 Policy CP21 seeks to support the provision of additional purpose built student accommodation across the city subject to specified criteria being met:
1. *Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;*
 2. *High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);*

3. *Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;*
4. *Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;*
5. *Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;*
6. *Schemes should have the support of one of the city's two Universities or other existing educational establishments within Brighton & Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;*
7. *Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.*

Sites identified as potential housing sites will include those identified in other City Plan policies and those listed in the Strategic Housing Land Availability Assessment.

- 8.5 It is considered that the proposed development is in compliance with criteria 1-5.
- 8.6 In regard to Criterion 6, the proposed scheme does not have the support of either of the City's Universities. A letter has been submitted from 'EC Brighton English language school' which states support for the application and interest in being an active partner and end user of the proposed accommodation. A management statement for the proposed student accommodation measures has also been submitted. Whilst the letter submitted does not formally commit to occupation of the proposed development by a specific educational establishment, it does indicate support for the scheme as required by Criterion 6. Compliance with a management plan would be likely to ensure that neighbouring occupiers would not suffer nuisance and harm. It would be necessary to ensure that the education provider / providers of the students residing at the facilities are involved in the management of the premises, and take an element of responsibility for the students' behaviour and potential reprimands should behavioural problems / nuisance occur. Implementation of such a plan could be secured as part of a legal agreement.
- 8.7 In regard to criterion 7, it is the case that there is an extant permission (ref. BH2011/00806) for a scheme which includes residential development in the form of 27 flats (11 of which would be affordable and 2 of which would be wheelchair accessible). Furthermore the site is identified in the Councils Strategic Housing Land Availability Assessment (SHLAA) (update 2011) for 25 units to come forward in the next 6-10 years. The proposal for purpose built student accommodation is therefore contrary to policy CP21.
- 8.8 The need to prioritise the delivery of housing units and the acute present and projected future need to affordable housing is identified in the adopted Local Plan and the NPPF. Were the proposed scheme to be enacted, the application site which is allocated for housing and has an extant permission for housing

(including affordable provision), would be lost for these purposes. The loss of such a site for housing use is a material consideration in the determination of the application. This loss would be directly contrary to policy CP21 of the emerging City Plan, and would be contrary to the policies of the NPPF and the Local Plan which seek to prioritise the delivery of new housing units and affordable housing in particular. The loss of the site for the delivery of housing, and the loss of other such sites across the city where student accommodation might also be proposed in the future, would compromise the ability of the City to address present and future housing need.

- 8.9 It is considered that in this case, this concern warrants the refusal of planning permission. The principle of this development is therefore unacceptable.

The proposed ground floor commercial uses

- 8.10 The proposed development would result in the loss of a retail unit of a significant size. The application site is defined as part of the non-prime frontage of the London Road District Shopping Centre as defined by the Local Plan Proposals Map. This loss is therefore to be considered having regard to policy SR5 of the Brighton & Hove Local Plan. The proposed replacement development may include new retail floorspace as two commercial units are proposed at ground floor level (which could be subdivided in to smaller units), one proposed as B1/A1/A2 use and one proposed as A1/A2/A3 use. These potential new uses area therefore to be considered having regard to policies SR1 and SR5 of the Brighton & Hove Local Plan.
- 8.11 As a unit in the non-prime frontage of the London Road District Shopping Centre policy SR5 states that the loss of retail use will be permitted provided that a healthy balance and mix of uses (including Class A1 retail) is retained and concentrations of uses other than Class A1 are avoided.
- 8.12 The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area. The application units is set away from the primary London Road frontage, forming part of a secondary frontage on Ditching Road. At present, of the sixteen units in the defined centre which front of to Ditchling Road, ten (62.5%) have a retail (Use Class A1) use. Five of these units (including the application property) are currently vacant. Were the proposed development to be carried out, and the proposed ground floor units not to be occupied as retail, the number of retail units would reduce to nine (56.25%). The proposed units could be occupied as retail in which case, whilst the amount of retail floorspace would represent a significant reduction over the existing, the proportion of retail units fronting on to Ditchling Road would remain unchanged.
- 8.13 Policy SR5 allows for a flexible approach outside of the prime frontages of the defined shopping centre, in this case it is considered that the potential loss of retail use would not cause significant harm having regard to the objectives of the policy. It is noted that the loss of the upper floor retail floorspace has been deemed acceptable under previously approved application refs. BH2008/00535 and BH2011/00806.

- 8.14 In regard to replacement uses, policy SR5 seeks that a window display is maintained and that it can be demonstrated that the proposed use would draw pedestrian activity into the Centre. The policy references Use Classes A2 (financial / professional services), A3 (cafe / restaurant) and some D1 community uses as appropriate within a defined centre. The unit fronting Ditching Road, proposed as A1, A2 or A3 use, is in compliance with SR5. The unit fronting Oxford Place, proposed as B1 (office / light industrial), A1 or A2. This unit would be in compliance with policy SR5 is occupied as A1 or A2, if occupied this would be contrary to policy SR5. It is however considered that a flexible approach is justified in this case due to the secondary location of the proposed unit, neither part of the London Road or Ditchling Road frontage. A B1 use would still draw some activity to the centre and the proposed frontage of the unit with significant areas of glazing would deliver an active frontage to the benefit of the street scene. A B1 use in this location is considered to be in compliance with policy EM4. The proposal for potential new retail floorspace is considered to be in accordance with policy SR1.
- 8.15 Refuse storage is proposed to serve the commercial units to the north-western corner of the building. This would not be particularly convenient for operators of the commercial units which are both set away from this store with access gained by passing through the communal courtyard area to the rear of the site. It does however appear that there would be space for some refuse storage provision within the units themselves and full details of refuse storage could be secure by planning condition were approval to be recommended.
- 8.16 In summary, the proposed ground floor commercial uses are considered acceptable in principle; the proposed student accommodation however would result in the loss of the site as a potential location for new housing units.

Visual Impact

- 8.17 In principle, the proposal for the demolition of the existing building to be replaced with a new building of the scale proposed is considered to be acceptable and could help to deliver the design objectives set out in the Brighton & Hove Local Plan and those set out in the London Road Central Masterplan (SPD10). Indeed such an approach has been granted planning permission previous under applications BH2008/00535 and BH2011/00806.
- 8.18 Some discussions regarding design took place at pre-application stage, these discussions were not however concluded as there was an urgency to submit the current application.
- 8.19 The Heritage Officer has commented on the application proposal as the site adjoins (faces on to) the Valley Gardens Conservation Area and impacts upon views of the Grade I listed St Bartholomew's Church. The overall height and scale of the proposed building is considered to be acceptable. The proposed building is no taller than that previously approved and would have no greater impact upon views for St Bartholomew's Church from vantage points to the east of the site. The design approach taken in respect of the ground first and second floors of the building is considered to be broadly appropriate. The proposed

ground floor frontages include significant areas of glazing which would help to deliver an active frontage.

- 8.20 The design approach to the Oxford Place elevation is considered acceptable, relating in rhythm and materials to the rather industrial appearance of the adjoining large retail building. More details of the ground floor frontages would be needed by condition.
- 8.21 The building changes in facing material from brick to render as it turns the key corner into Ditchling Road and adds projecting rectangular bays at 1st/2nd floor level which echo, on a larger scale, the bays on the Victorian properties on this stretch of road. The bays also help to break down this elevation vertically so that it reflects to some degree the plot width and rhythm of the historic buildings. It lacks the variety of planes and fenestration evident in the previously approved scheme but nevertheless is considered a satisfactory design approach.
- 8.22 However, this design approach breaks down at third floor and roof level. The third floor and roof appears as a continuous horizontal element, particularly in the corner view from the south-east. Unlike the previous permission this storey is not set back from the main elevation and this contributes to this overbearing effect. This would be very apparent in views from the north-east where the blank rendered side wall rises above the adjoining buildings. The change from a flat roof to a mono-pitched roof has no real benefit to the street scene as, in order to keep the height of the building the same (and so protect views of the Church) the roof pitch is very shallow and would not be visible from within Ditchling Road.
- 8.23 It is therefore considered that the proposed development would have a harmful visual impact to the detriment of the street scene and the character of the surrounding area including the Valley Gardens Conservation Area.
- 8.24 Adopted Local Plan Policy QD6 states that the provision of public art will be sought from major development schemes. The type of public art and level of contribution vary depending on the nature of the development proposal, the characteristics of the site and its surroundings. In this case, as public art has not been proposed as part of the development, a contribution towards public art of £19,500 is required. Such a contribution could be secured by legal agreement were approval to be recommended.

Standard of accommodation

- 8.25 As detailed above, student accommodation is proposed to all floors of the proposed building as follows:
- Ground floor: Reception, office, servicing, refuse store, courtyard including cycle storage, one wheelchair accessible studio flat and a second studio flat.
 - First floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.
 - Second floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.
 - Third floor: 28 en-suite student bedrooms and 3 communal rooms / kitchens.

(86 rooms in total)

- 8.26 The proposed ground floor wheelchair accessible studio flat and a second studio flat would provide an acceptable standard of accommodation. In the upper floors of the building many of the student bedrooms proposed are rather small and would provide relatively cramped accommodation for future occupiers. Indicative room layouts have however been submitted which demonstrate that a usable layout could be achieved in such rooms. It is therefore considered that the proposed room sizes and layouts are acceptable.
- 8.27 Communal facilities available for future occupiers consist of the 9 proposed communal rooms / kitchens, the reception, and the outdoor courtyard. The proposed courtyard layout is considered to be somewhat wasteful with a very large area dedicated to cycle parking. Whilst cycle parking provision is welcomed, it should be covered to comply with the requirements of policy TR14. It would not be practical to cover the large central area of cycle parking proposed. Furthermore the same level of cycle parking provision could be accommodated in a much smaller space. The remaining area would provide some seating for the student occupiers and the proposed commercial units. It is considered that increased amenity space for students could be provided were the proposed cycle storage to be rationalised. Were approval to be recommended a revised layout for the courtyard could be secured by planning condition. It is considered that a revised proposal would deliver an acceptable provision of on-site amenity space for future occupiers.
- 8.28 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 some development schemes will 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. In this case the contribution required towards sport, recreation and open space is £103,504.11. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.29 A significant concern is raised by the Environmental Health Officer; Ditchling Road is a busy main route as is London Road to the west of the site. Future occupiers of the development could therefore be subjected to significant noise disturbance. It is therefore considered that a noise assessment should be carried out to assess the noise levels around the site; it may be that mitigation measures are required to ensure that future occupiers would not suffer undue harm. In the absence of a noise report it cannot be determined whether such harm would occur. The applicant has therefore failed to demonstrate that the proposal would comply with policies SU10 and QD27 in this regard, and the application is recommended for refusal on these grounds.

Neighbouring amenity

- 8.30 The proposed building is of a similar scale and bulk to that previously proposed, and in fact represents a reduction in bulk to the northern side of the site due to the courtyard proposed.
- 8.31 The previous scheme was considered acceptable in regard to the impact of the bulk of the proposed dwelling and overlooking. A sunlight and daylight report has been submitted which confirms that the impact of the current proposal upon the neighbouring property to the southern corner of Oxford Place, no. 25 Ditchling Road, would be similar to that of the previously approved scheme. In regard to overlooking the impact of the proposed would again be similar to that previously approved. Overall the proposed building is likely to have a similar impact to that previously approved and is considered acceptable. The nature of the proposed uses differs significantly from the previously approved scheme, the potential impacts of these uses must therefore be considered.
- 8.32 The proposed ground floor uses are considered to be appropriate given the central location of the site which is close proximity to busy thoroughfares in the form of London Road and Ditching Road. Were approval to be recommended conditions would be required to restrict hours of use, deliveries, and full details of refuse storage. The hours of use of the external courtyard would also require management by condition.
- 8.33 The proposed student accommodation has the potential to cause noise and general nuisance to neighbouring occupiers due to the intensity and nature of such a use. The submitted management plan details measure to educate and manage future occupiers, and to manage arrivals and departures at the start and end of term, to keep noise and disturbance to a minimum.
- 8.34 It would be necessary to ensure that the education provider / providers of the students residing at the facilities are involved in the management of the premises, and take an element of responsibility for the students' behaviour and potential reprimands should behavioural problems / nuisance occur. Such a management plan, and its implementation and review could be secured by legal agreement were approval to be recommended. The hours of use of the external courtyard by students could be restricted by planning condition.
- 8.35 The implementation of this plan and its review could be secured as part of a legal agreement and the use of the rear courtyard by students could be restricted by planning condition were approval to be recommended. Implementation of such a plan could be secured as part of a legal agreement.
- 8.36 Overall, it is considered that subject to implementation and review of a management plan being secured by legal agreement, and the application of appropriate planning conditions, the proposed development would not cause significant harm to neighbouring amenity.

Transport

- 8.37 A Transport Statement has been submitted in support of the application. The application site is in a sustainable location well served by public transport. The

Transport Officer considers that it has been demonstrated that the transport impact associated with the proposed uses will not cause significant congestion or a highway safety risk. In order to address the trip generation associated with the proposed development it is recommended that a financial contribution (£16,500) towards sustainable transport infrastructure in the vicinity of the site is required. Such a contribution could be secured by legal agreement were approval to be recommended.

- 8.38 It is recommended that a Travel Plan be secured which should detail measures to maximise use of sustainable transport methods. A proposal for dealing with vehicles arriving at the premises at the start and end of term to drop off / collect students and their belongings is proposed. This strategy requires use of the council owned car park to the rear of the site. The land owner (the Council) has indicated that this solution appears feasible. Further details of this strategy and a more formal commitment from the land owner or details of an alternative solution should be submitted. It is considered that a travel plan and further details of the proposed strategy for the start and end of terms could be secured by planning condition were approval to be recommended.
- 8.39 No off-street vehicular parking is proposed as part of the development. In regard to general parking provision policy TR19 and SPGBH4 specify maximum standards rather than minimum, the lack of off-street parking provision is therefore not objected to. Policy TR18 does however require parking provision for people with a mobility related disability. No such provision is proposed, it has therefore not been demonstrated that the requirements of policy TR18 can be addressed. In the absence of such information, the application is considered contrary to policy TR18 and warrants refusal on this basis.
- 8.40 Cycle parking is proposed in the form of 28 Sheffield stands to the rear courtyard of the proposed development. As detailed above, this provision, whilst generous in terms of numbers, does not comply with the requirements of policy TR14 as it is not covered (i.e. not protected from weather). It is considered that a revised rationalised storage layout should be proposed which should be covered, and could take up substantially less space in the rear courtyard. It is considered that details of a revised cycle storage proposal could be secured by condition were approval to be recommended.
- 8.41 In summary, some transport issues could be resolved by the application of planning conditions and measures which could be incorporated into a legal agreement were approval to be recommended. The failure to identify an appropriate solution for disabled parking provision is contrary to TR18 and in the absence of an appropriate proposal the application is considered contrary to policy TR18 of the Brighton & Hove Local Plan and refusal is recommended on these grounds.

Environmental Health: Discovery Condition and noise report

- 8.42 As detailed above a noise report is required to demonstrate that future residents would not suffer undue traffic-related noise nuisance. In the absence of such information the application is considered contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 8.43 The Air Quality Officer has raised no objection to the proposed development therefore it is considered that future occupants would not suffer undue harm in this regard. As detailed below however should a Gas Combined Heat and Power Plant (CHP) be proposed this does raise concerns regarding air quality; insufficient information has been provided to enable the full consideration of this matter.
- 8.44 A desktop study has been submitted in relation to potential land contamination. Were approval to be recommended it is considered that this matter could be suitably addressed by the application of appropriate planning conditions.
- 8.45 Were approval to be recommended, other environmental health matters which would also require securing further information / restrictions by planning condition include:
- Control of hours of use of the ground floor commercial uses proposed and the use of the rear courtyard.
 - Restriction of delivery and waste collection timings.
 - Sound insulation measures between the commercial units and student accommodation which is proposed.
 - Further detail of any plant proposed and restrictions of noise outputs of any plant.
 - Further details of mechanical ventilations systems including odour control measures (if required).
 - Further details of any external lighting proposed.
 - Any noise mitigation measures required in relation to the proposed student rooms and any ventilation system required.
- 8.46 Were approval to be recommended it would be necessary to secure by planning legal agreement:
- A Construction Environmental Management Plan (CEMP) to agreement management of disturbance, nuisance and highway obstruction during construction works. This may also need to include a Section 61 agreement.
 - A management plan for the operation and management of the student accommodation.

Sustainability:

- 8.47 Policy SU2 requires that all development make efficient use of materials energy and water. SPD08 provides detailed guidance as to how development can meet the requirements of Policy SU2 by development type and scale. In regard to Major developments SPD08 advises that a score of 60% in energy and water sections of relevant BREEAM assessment within an overall rating of 'Excellent' should be achieved, and that a feasibility study on rainwater harvesting and grey water recycling systems be carried out. In this case the relevant BREEAM assessment types would be 'BREEAM Multi-Residential' for the proposed student accommodation, and 'BREEAM Retail' for the proposed commercial floorspace.
- 8.48 A sustainability report has been submitted in support of the application. This report details that achieving an 'Excellent' BREEAM rating is not viable in this

case and that instead a rating of 'Very Good' rating would be achieved, with scores maximised wherever possible. In regard to the student accommodation proposed a Multi-Residential score of 59.72% is estimated. In regard to the commercial floorspace proposed a Retail score of 57.47% is estimated. In regard to energy it is proposed that a score of 30% would be delivered in comparison to the 60% recommended by SPD08. A feasibility study on rainwater harvesting and grey water recycling systems has not been submitted.

- 8.49 The sustainability standards proposed are therefore significantly below the recommended standards set out in SPD08. The Sustainability Officer has commented on the application and it is considered that insufficient justification of this lower standard of sustainability has been submitted.
- 8.50 In regard to energy it is detailed that Gas Combined Heat and Power Plant (CHP), photovoltaic or solar hot water panels may be proposed. These options all require external features which in themselves would require planning permission, and therefore full details of such features should be shown on the application drawings. It has not been demonstrated that the space allocated to solar technologies at roof level would be sufficient to provide the energy required. Gas CHP would require external extraction and could deteriorate local air quality; where such a system is proposed full details would be required at application stage in order to fully assess such matters. Insufficient information has therefore been submitted to assess the visual impact of such features and impact upon air quality and local amenity.
- 8.51 Based upon the information submitted to date, approval cannot be recommended. The proposed level of sustainability is contrary to the guidance set out in SPD08; in the absence of sufficient justification of this lower level it is considered that the scheme does not adequately address the requirements of policy SU2. The application is recommended for refusal on these grounds. Furthermore insufficient information regarding proposed energy production systems have been submitted, it is not therefore possible to determine the visual impact of the associated external features, potential impact upon air quality, or in fact whether such systems would deliver the level of energy which is suggested.

Landscaping and ecology

- 8.52 Policy QD15 of the Brighton & Hove Local Plan requires that all new development incorporates high quality landscaping (soft and hard). Policy QD17 and the guidance set out in SPD11 require that all new development include nature conservation enhancement measures. The proposed development includes very little in these regards; small areas of planting to the rear courtyard area appear to be the only features proposed. The rear courtyard area provides an area for additional planting and features, particularly if reconfigured as recommended above. Green walls and rooftop planting are also possible, and were a flat roof design to be proposed as recommended above, this would provide a greater opportunity for rooftop planting. Whilst ideally such measures would be integral to the proposed development design and would be presented at application stage, it is considered that were approval to be recommended,

details of appropriate landscaping and nature conservation measures could be secured by planning conditions.

Planning obligations:

- 8.53 As detailed above, to deliver compliance with Local Plan Policies and to ensure a contribution towards the area based objectives of SPD10, financial contributions would be required towards sustainable transport infrastructure (£16,500), sports recreation and open space (£103,504.11), and public art (£19,500). Were approval to be recommended, such measures could be secured as part of a planning legal agreement. Were agreement not to be reached in regard to these issues, the proposal would be considered contrary to policies QD6, QD28 and HO6 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 The proposal for purpose built student accommodation on a site which has an extant permission for housing, and which is identified as a prospect for housing provision in the Council's Strategic Housing Land Availability Assessment, would compromise the Council's ability to meet its housing targets, and would set an unwelcome precedent for the approval of student accommodation on other comparable sites across the city in the future. For this reason the proposed development is considered to be unacceptable in principle.
- 9.2 In addition, concerns have been identified regarding the visual impact of the proposed development, the standard of accommodation which would be provided (in the absence of a noise report), the lack of disabled parking provision, and the level of sustainability proposed. These matters are considered to warrant the refusal of planning permission. In some cases, were the principle of a development to be considered acceptable, the Local Planning Authority would seek to engage with the applicant to resolve detailed matters of concern. In this case however, as the principle of development is considered to be unacceptable, it would not be reasonable to seek substantial amendments and additional information, as the in principle objection to the proposal would remain.
- 9.3 A number of other concerns relating to the proposed development have been identified which do not warrant the refusal of planning permission as they could be appropriately resolved through the application of planning conditions and the negotiation of a planning legal agreement.
- 9.4 Overall, it is considered that the scheme warrants the refusal of planning permission for the reasons identified in Section 11 below.

10 EQUALITIES

- 10.1 The proposed ground floor commercial units provide level access and doorway clearance widths suitable for wheelchair access. The proposed student accommodation has similar ground floor access, includes a wheelchair accessible ground floor unit and a lift to provide access to the upper floors of the building.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposal for purpose built student accommodation on a site which has an extant permission for housing, and which is identified for housing provision in the Council's Strategic Housing Land Availability Assessment, would compromise the Council's ability to meet its housing targets, and would set an unwelcome precedent for the approval of student accommodation on other housing sites across the city in the future. For this reason the proposed development is contrary to the policies of the NPPF and the Brighton & Hove Local Plan which identify the delivery of new housing as a priority, and contrary to policy CP21 of the Brighton & Hove City Plan Part One which states that purpose built student accommodation will not be granted on housing sites.
2. The proposed building, in particular the form and detailing of the proposed third floor and roof, are not considered to be of a suitably high standard of design and would harm the quality and character of the surrounding street scene and the Valley Gardens Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD4, QD5 and HE6 of the Brighton & Hove Local Plan.
3. A noise assessment has not been carried out, as is required to demonstrate the likely impact of traffic noise upon future occupiers of the proposed student accommodation. In the absence of such a report it has not been demonstrated that future occupiers would enjoy an acceptable standard of accommodation. The proposed development is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The proposed development does not accommodate any parking provision for people with a mobility related disability; the proposal is therefore contrary to policy TR18 of the Brighton & Hove Local Plan.
5. The proposed development would not provide a level of sustainability which would adequately address the requirements of policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'. Sufficient justification has not been provided to demonstrate that the level of sustainability recommended in SPD08 could not reasonably be met. Furthermore, full detail of potential solar energy and hot water production and Gas Combined Heat and Power Plant (CHP) and associated external features has not been provided, it is not therefore possible to determine the visual impact of the associated external features, potential impact upon air quality, or in fact whether such systems would deliver the level of energy which is suggested.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

PLANS LIST – 03 APRIL 2013

Plan Type	Reference	Version	Date Received
Site Location Plan	1000		21/11/2012
Existing and Proposed Block Plan	1001		21/11/2012
Existing Floor Plan	2000		21/11/2012
Existing Floor Plan	2001		21/11/2012
Proposed Floor Plan	2005		21/11/2012
Proposed Floor Plans	2006		21/11/2012
Proposed Floor Plan	2007		21/11/2012
Existing Elevations	2100		21/11/2012
Existing Elevations	2101		21/11/2012
Contextual Analysis	2103		21/11/2012
Contextual Analysis	2104		21/11/2012
Proposed Elevations	2105		21/11/2012
Proposed Elevations	2106		21/11/2012
Proposed Floor Plans	2008		21/11/2012
Visual Impact Diagram	2200		21/11/2012
Proposed Sections and Elevations	2201		21/11/2012