

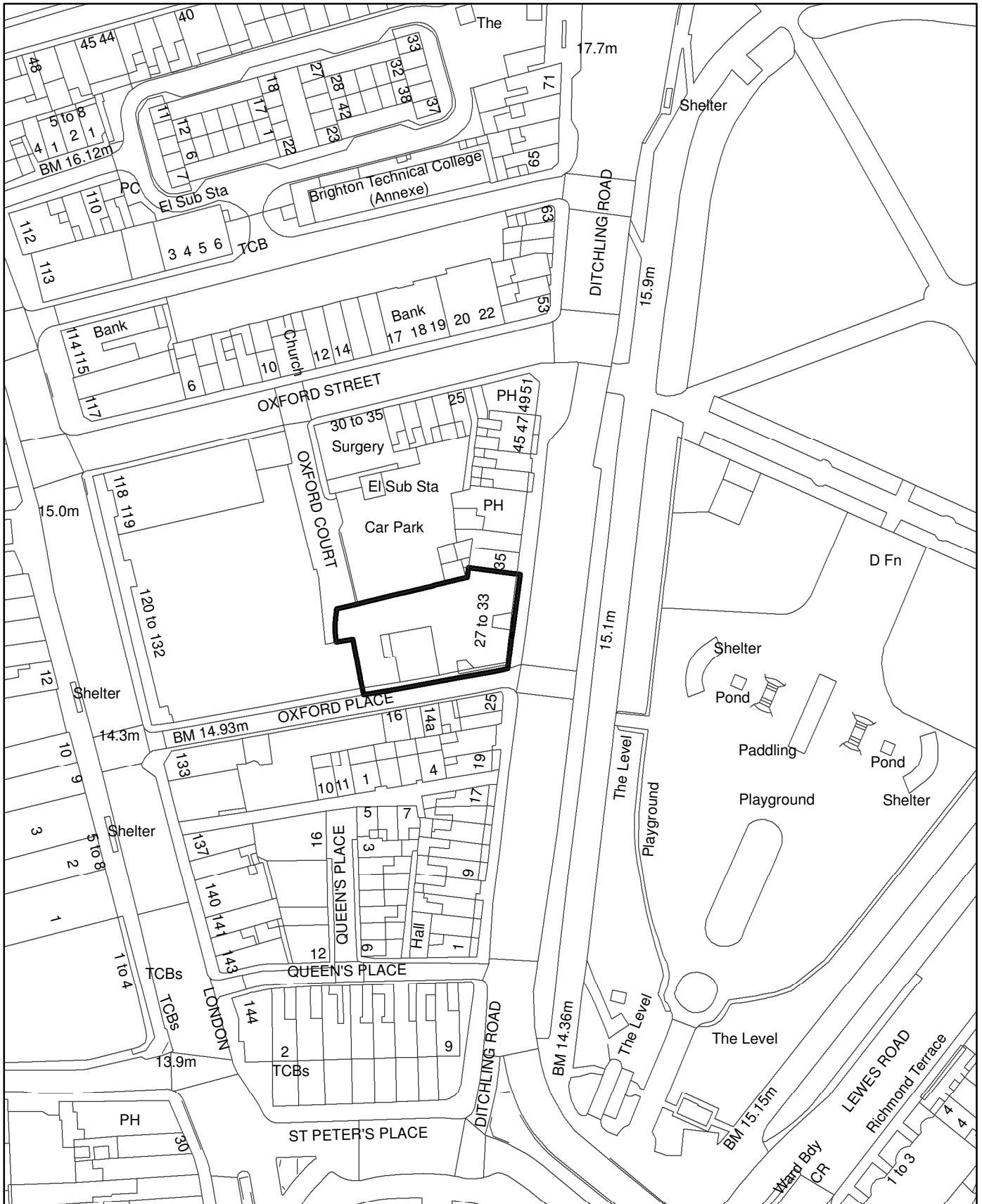
ITEM A

27-33 Ditchling Road, Brighton

BH2014/01431
Full planning

06 AUGUST 2014

BH2014/01431 27-33 Ditchling Road, Brighton.



**Brighton & Hove
City Council**

N



Scale: 1:1,250

PLANNING COMMITTEE LIST- 06 AUGUST 2014

No:	BH2014/01431	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Full Planning		
Address:	27-33 Ditchling Road Brighton		
Proposal:	Demolition of existing building and erection of new four storey building (plus basement) comprising new College facility and Halls of Residence (58 students rooms, 1 wheelchair accessible room, 1 warden's room and 2 rooms for supervisors), catering facilities, cycle parking and refuse and recycling facilities.		
Officer:	Jonathan Puplett Tel 292525	Valid Date:	20 May 2014
Con Area:	Adjoining Valley Gardens	Expiry Date:	19 August 2014
Listed Building Grade:	N/A		
Agent:	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton		
Applicant:	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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives 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

BH2012/03707: 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. Approved 01/05/2014.

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 and basement comprising a college at basement, ground and first floor level, student and staff accommodation (58 student rooms and two staff rooms) at second and third floor level, and a wheelchair accessible studio and warden's studio at ground floor level.
- 4.2 Additional and revised information and drawings have been submitted during the course of the application. Most significantly, it was originally proposed that the college would have a maximum of 200 students. It has since been clarified that the college would have a maximum of 300 students.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Thirty-two (32)** letters of representation have been received from **no. 3 Glynn Rise Peacehaven, no. 20 Northcote Lane Peacehaven, Flat 4 5 Belmont Brighton, no. 27 Fonthill Road Hove, no. 1 Franklin Road Southwick, no. 71 Elm Drive Hove, no. 6 Hollingbury Copse, no. 2 Chepstow Court, no. 47 Springfield Road Brighton (2 letters), Unit 4 Gordon Mews Portslade, Flat 16, Blanche House Brighton, 18 Roman Road Hove, no. 4 Portside Brighton Marina, no. 30 Marlborough Street Brighton, no. 4 Rugby Road Brighton, no. 46 Adur Drive Shoreham (2 letters), Honeybourne Farm Albourne, no. 16 Highdown Road Brighton, no. 31B York Avenue Hove (2 letters), no. 61 Falmer Road (2 letters) Brighton, no. 11 Cross Street Hove, 30 West Hill Road Brighton, no. 59 Ditchling Road Brighton, no 21 Jersey Street Brighton, 7 Erringham Road Shoreham (2 letters) supporting the application for the following reasons:**
- The proposed development would improve the site and the area.
 - The proposed development would create jobs and boost the economy.
 - The proposed development would bring more students to the area which would increase diversity and would be good for business.
- 5.2 **London Road Area Action Team: Comment.** A meeting was held with the applicant and information regarding the operation of the college was provided.

PLANNING COMMITTEE LIST- 06 AUGUST 2014

Some concerns were raised but the representation received states neither objection or support.

- 5.3 **CAG: Object**. The Group expressed concern about the proposed materials which appear cheap and unattractive and would look out of character in the area, especially opposite the newly renovated Level. The Group recommend refusal of the application as the design of the building, particularly the fenestration, is inappropriate to the site and is out of character to neighbouring buildings.
- 5.4 **Environment Agency: No comment**.
- 5.5 **UK Power Networks: No comment**.
- 5.6 **East Sussex Fire and Rescue: No comment**. The installation of sprinkler systems is recommended.
- 5.7 **Southern Gas: Comment**. The gas main runs in proximity to the site; no mechanical digging should take place within 0.5 – 3 metres of the gas main.
- 5.8 **Southern Water: Comment**. A public sewer crosses the site. This will restrict development in the vicinity of the sewer or require re-routing of the sewer. A formal application to connect to the public sewerage system is required. Further details of foul and surface water drainage are required.
- 5.9 **Sussex Police: Comment**. Security measures are recommended.
- Internal:**
- 5.10 **Planning Policy:** Given the history of the site and its status in the SHLAA, the use of the site for purpose-built student accommodation is generally acceptable in principle. However, the proposal will create a net increase in demand for student accommodation in the city; it is important, therefore, that an accommodation management plan is provided to show how all students attending the college would be accommodated.
- 5.11 An amendment to the proposed scheme to retain an element of commercial use on the ground floor, and amendments to the design of the scheme, would be welcome in order to give the building a more active frontage and to better contribute to the supporting role that Ditchling Road makes to the vitality of the London Road town centre.
- 5.12 The applicants should also provide an accommodation management plan, an employment strategy, a letter of support from Kings College, and appropriate developer contributions.
- 5.13 An open space contribution of £71,008 is required.
- 5.14 **Heritage: Support**. Overall the design is acceptable and would preserve the appearance and character of the Valley Gardens Conservation Area.

- 5.15 **Sustainable Transport:** Comment. It is recommended that further details of disabled parking provision be secured. It is recommended that a condition be applied to ensure that students would not have an entitlement to residents parking permits. A revised cycle parking layout is required as the proposed layout would not provide adequate spacing between cycles. The proposed development would produce an increased level of trip generation in comparison to the established use of the site and to address the demand for travel which the development would cause a contribution of £31,950 towards sustainable transport infrastructure is required. Details of measures to encourage the use of sustainable transport measures should be secured.
- 5.16 **Sustainability:** Comment. As a major development SPD08 advises that in order to meet the objectives of policy SU2 the proposed scheme should deliver a BREEAM rating of 'excellent'. The submitted details suggest that the development would deliver a rating of 'Very Good', the failure to meet the advised required level of sustainability set out in SPD08 has not been adequately justified. In the absence of adequate justification, it is recommended that a rating of Excellent be secured by condition.
- 5.17 **Environmental Health:** Initial comments 27/06/2014- further information regarding sound insulation and land contamination is required.
- 5.18 At the time of writing this report further comments were awaited.
- 5.19 **Economic Development:** Comment. No adverse comments. A Local Employment and Training Strategy and a commitment to 20% local labour should be secured.
- 5.20 **Ecologist:** The proposed demolition and development could impact upon bats. The applicants are reminded of their obligations in this regard as bats are a protected species. Nature conservation enhancements are required and no such measures have been proposed; a scheme of appropriate measures should be provided.
- 5.21 **Public Art:** A public Art element to the value of £20,800 is required.

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:
- 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;

PLANNING COMMITTEE LIST- 06 AUGUST 2014

- 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) is a material consideration.
- 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
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
QD27	Protection of amenity

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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
HO20	New community facilities
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)

SS1	Presumption in Favour of Sustainable Development
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 college use 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 rooms would provide, transport and sustainability.

Principle of development:

8.2 The application site has an extant planning permission for housing (ref. BH2011/00806) which includes the provision of affordable housing. The site

PLANNING COMMITTEE LIST- 06 AUGUST 2014

was previously identified in the Strategic Housing Land Availability Assessment (SHLAA). Planning permission for a mixed use redevelopment scheme consisting of ground floor commercial space and student accommodation to the upper floors (ref. BH2012/03707) was minded to grant subject to a s106 Agreement by the Planning Committee at the meeting on 3rd April 2013. Following this approval the site has been removed from the SHLAA.

- 8.3 Prior to the granting of application ref. BH2012/03707, the site was protected as a housing site identified in the SHLAA and in this context a proposal for student accommodation is contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) which states that:
- 8.4 *'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.'*
- 8.5 The granting of application ref. BH2012/03707 is a material planning consideration which carries significant weight; the principle of the loss of the site for housing was considered to be acceptable at this time and the permission for commercial uses and student accommodation remains extant. Furthermore the site has been removed from the SHLAA. In this context it would not be reasonable to object to the principle of the use of the site for a use other than housing. A new educational facility and student accommodation is considered an appropriate mix as a proposed use of the site.
- 8.6 The use proposed is a residential institution. The basement ground and first floors would contain a college for a maximum of 300 students. 58 rooms in the upper floors would provide accommodation for students, with the remaining students (a maximum of 242 students) residing with host families off-site.
- 8.7 It has been confirmed that students living off site would stay with host families and would not therefore place pressure upon housing stock in the city which could otherwise potentially be occupied by families. The strategy for accommodating students on and off site can be secured as part of a management plan.

Impact on the London Road Shopping Centre:

- 8.8 The site forms part of the London Road Town Centre secondary frontage and as such a change of use from retail must be considered having regard to policy SR5 of the Brighton & Hove Local Plan. In regard to non-prime frontage Policy SR5 states that:
- 8.9 *'Outside the prime frontage in the town and district centres, 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. 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.'*
- 8.10 The proposed development would result in the loss of the retail use of the site. The proposed use would attract pedestrian activity to the centre in the form of

students and staff attending the college and the students residing within the upper floors of the building. A student reception area is proposed to the Ditchling Road frontage at ground floor level, on Oxford Place classrooms are proposed. Ideally a commercial use would be proposed which would attract visiting members of the public and generate combined visits to the centre, such as a retail or café use would do. In this, it is accepted that the development would draw those directly associated with the college to the centre and would retain an active frontage to some extent on Ditchling Road provided the glazed proposed is not obstructed internally and the reception remains an active/social area rather than classroom space. It is considered that the nature of the use of this area and the need to retain unobscured glazing could be secured as part of a management plan of the college.

8.11 Overall the impact upon the shopping centre is considered to be acceptable.

Visual Impact:

- 8.12 This site adjoins the Valley Gardens Conservation Area, which is characterised by largely Regency and Victorian development fronting onto a series of open spaces, but with some 20th Century redevelopment of generally poor architectural quality. Ditchling Road where it fronts onto The Level comprises mostly modest two and three storey bayed properties and there is a mixed roofline, though mostly steeply pitched roofs without parapets. The southern end is wholly residential and includes a group of listed buildings, Regency townhouses, at numbers 5-13. The northerly part has commercial premises at ground floor level. Whilst not at all uniform in appearance, Ditchling Road has a general consistency of scale, proportion and materials. The Valley Gardens Conservation Area Study and Enhancement Plan identifies the existing buildings at 27-33 as detracting from the appearance and character of the area due to the flat roof, grid-like flat façade with large picture windows and the dark brick cladding. To the west of the site, across London Road, is the imposing St Bartholomew's Church, a city landmark and a Grade I Listed Building.
- 8.13 This is a mixed use area, including a mix of residential and commercial uses at ground floor level, and it is considered that the proposed mix of uses would preserve the character of the conservation area. The Ditchling Road frontage would retain sufficient ground floor interest and the corner entrance is welcome.
- 8.14 The principle of the loss of the existing buildings and the redevelopment of the site is welcomed and the previous scheme for the site was considered to be appropriate in terms of scale and footprint. These are unchanged. A key issue in redeveloping this site is the potential impact on views of St Bartholomew's Church. In this respect it is considered that as there is no increase in height over the approved scheme and there would be no harmful impact on views of the Church.
- 8.15 The design approach remains unchanged except for some amendments to the ground floor commercial frontages. There is no objection to these changes. The ground floor frontage would now be clad in white or very pale coloured glazed bricks. There is certainly a precedent in Brighton for white glazed bricks on some 19th century buildings and traditional shop fronts often incorporated brick-shaped

PLANNING COMMITTEE LIST- 06 AUGUST 2014

glazed tiles. This would therefore be an appropriate material that would relate well to the finishes above and would give the ground floor some local distinctiveness.

- 8.16 The Oxford Place elevation is considered acceptable, relating in rhythm and materials to the rather industrial appearance of the adjoining large retail building. The building changes in facing material from brick to render as it turns the 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. This design approach breaks down a little at third floor and roof level but it has now been clarified that the zinc cladding to the bays would extend vertically to third floor level between the windows, which would help to counterbalance the horizontality of the third floor. Alternative design approaches to the roof and third floor have been explored but would result in additional blank bulk to the north end elevation in views from Ditchling Road and The Level.
- 8.17 Overall therefore it is considered that the design is acceptable and would preserve the appearance and character of the Valley Gardens Conservation Area.

Neighbouring Amenity:

- 8.18 The built form scheme now proposed would have a very similar impact to that approved under BH2012/03707, the main change in the regard being the proposed basement level.
- 8.19 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 two previously approved schemes. In regard to overlooking the impact of the proposed would again be similar to those previously approved. Overall the proposed building is likely to have a similar impact to those previously approved and is considered acceptable. The nature of the proposed use differs from the previously approved schemes, the potential impacts of this use must therefore be considered.
- 8.20 The proposed college and student accommodation is unlikely to cause undue disturbance by way of noise emanating from activity within the building. There is an outdoor courtyard area proposed and comings and goings of students and staff could cause noise disturbance. It is considered that such potential harm could be appropriately managed by the college operator and details of appropriate measures could be secured as part of a management plan.
- 8.21 In regard to plant and machinery, some information has been submitted. Plan 2006 rev. 01 shows an area demarked for the installation of plant at first floor level on a flat roof, this is however annotated as 'for B1/A1/A2/A3 uses' which is a reference from the scheme proposed under application ref. BH2012/03707. A riser is shown at roof level to serve the basement kitchen, full details of this extraction system have not however been provided. It is recommended that full details of the proposed plant and machinery be secured by planning condition.

8.22 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.

Standard of Accommodation (student rooms):

8.23 Residential accommodation is proposed to ground, second and third floors of the building as follows:

- Ground floor: a wheelchair accessible student studio and a Warden's studio.
- Second floor: 29 en-suite student bedrooms, a student common room, a student kitchen and a supervisor's bedroom
- Third floor: 29 en-suite student bedrooms, a student common room, a student kitchen and a supervisor's bedroom.

8.24 It is considered that the proposed student rooms and studio would provide an acceptable standard of accommodation. Student kitchens and common rooms are proposed at second and third floor level, a 'student zone / reception is proposed at ground floor level, and a cafeteria is proposed at basement level, along with a courtyard area to the rear of the building. Overall it is considered that the students would benefit from an acceptable standard of accommodation.

8.25 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 required is £71,008.

8.26 A noise report has been submitted to demonstrate that future occupiers would not be subjected to undue disturbance from traffic noise. At the time of writing the report further comments from the Environmental Health Officer were awaited as additional information was submitted during the course of the application. A condition is recommended to secure the submission of full information and to secure implementation the proposed measures.

Transport:

8.27 The proposed development in comparison to the established retail use of the site will result in an increase in trip generation. In order for the development to comply with policy TR1 of the Brighton & Hove Local Plan, which states that development should provide for the demand for travel which it would create, a contribution of £31,950 towards sustainable transport infrastructure is required, which it is recommended be secured by s106 legal agreement.

PLANNING COMMITTEE LIST- 06 AUGUST 2014

- 8.28 Cycle parking is proposed to the rear courtyard; the layout of the stands do not provided adequate spacing and are not covered, therefore it is recommended that revised details be secured by planning condition.
- 8.29 No disabled parking is proposed on site. It is recommended that an assessment of the demand of on-street disabled parking in the area and any required measures be secured as part of a travel plan which would also detail measures to maximise the use of sustainable transport methods.

Environmental Health:

- 8.30 As detailed above, information regarding sound insulation and land contamination has been submitted and at the time of writing this report further comments from the Environmental Health Team were awaited. Conditions are recommended to secure further details in relation to these matters. This recommendation may be reviewed based upon the further comments of the Environmental Health Team.
- 8.31 In regard to plant and machinery, as detailed above it is recommended that further information be secured by planning condition.
- 8.32 Conditions are also recommended to secure details of delivery and waste collection timings and further details of external lighting. It is recommended that a Construction Environmental Management Plan (CEMP) to agree management of disturbance, nuisance and highway obstruction during construction works be secured by s106 legal agreement along with a management plan for the college and residential accommodation.

Sustainability:

- 8.33 As a major development SPD08 advises that in order to meet the objectives of policy SU2 the proposed scheme should deliver a BREEAM rating of 'excellent'. The submitted details suggest that the development would deliver a rating of 'Very Good', the failure to meet the advised required level of sustainability set out in SPD08 has not been adequately justified. In the absence of adequate justification, it is recommended that a rating of Excellent be secured by condition.

Landscaping and ecology:

- 8.34 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 submitted drawings do not detail any soft landscaping or ecological improvements. The rear courtyard area provides an area for additional planting and features. 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, in the absence of such proposals it is recommended details of appropriate landscaping and nature conservation measures be secured by planning conditions.

Planning obligations:

- 8.35 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 (£31,950), sports recreation and open space (£71,008), and a public art scheme to the value of £20,800. It is recommended that these measures could be secured as part of a planning legal agreement to deliver compliance with policies QD6, QD28 and HO6 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 Following the approval of application ref. BH2012/03707 and the removal of the site from the SHLAA, it would be unreasonable to seek to protect the site as a housing site. The proposed uses are considered acceptable in this location. It is considered that the proposed building would have an acceptable visual impact and would preserve the character of the Valley Gardens Conservation Area. The proposed student rooms would provide an acceptable standard of accommodation. The proposed uses, subject to securing a management plan and other details, would have an acceptable impact upon neighbouring amenity. Issues relating to transport, sustainability, landscaping and ecology can be appropriately resolved by way of planning condition and legal agreement. Approval is recommended subject to completion of a legal agreement and the planning conditions set out in section 11.

10 EQUALITIES

- 10.1 The proposed ground floor entrances 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 is proposed to provide access to the upper floors of the building and the basement.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Sustainable Transport Contribution (£31,950)
- Open Space Contribution (£71,008)
- Public Art scheme to the value of £20,800
- Construction Environmental Management Plan
- Local Employment and Training Strategy and commitment to use of at least 20% local labour.
- Management Plan

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.

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan	1000	01	02/05/2014
Existing and Proposed Block Plan	1001	01	02/05/2014
Existing Ground Floor Plan	2000	01	16/05/2014
Existing First Floor Plan	2001	01	16/05/2014
Proposed Basement Floor Plan	2004	01	16/05/2014
Proposed Ground Floor Plan	2005	02	09/07/2014
Proposed First & Second Floor Plans	2006	01	16/05/2014
Proposed Third Floor Plan	2007	01	16/05/2014
Existing North, East and South Elevations	2100	01	16/05/2014
Existing East and South Elevations in Context	2101	01	02/05/2014
Contextual Analysis Ditchling Road	2103	02	09/07/2014
Contextual Analysis Oxford Place	2104	02	09/07/2014
Proposed North, East and South Elevations	2105	02	09/07/2014
Proposed Elevations in Context	2106	02	09/07/2014
Proposed Extant Mass Comp Typical Sections	2111	01	02/05/2014
Visual Impact Diagram	2200	02	02/05/2014
Proposed Sections and Courtyard Elevations	2201	01	02/05/2014

- 3) No more than 300 students shall be taught within the college hereby approved at any one time.

Reason: To ensure that the scale of development and level of activity remains at an acceptable level and that harm to neighbouring amenity is not caused, and to comply with policies TR1 and QD27 of the Brighton & Hove Local Plan.

- 4) No deliveries to or from the development hereby approved, shall occur except between the hours of 07.00 and 19.00 Monday to Saturday, and not at all on Sundays, Bank or 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.

- 5) No servicing for collection of refuse/recycling at the site shall occur except between the hours of 07:00 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.

- 6) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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.

11.3 Pre-Commencement Conditions:

- 7) (i) No works pursuant to this permission shall commence 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;
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 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 a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c 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) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination (or has been secured / contained in a manner which makes such material safe).

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (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.

PLANNING COMMITTEE LIST- 06 AUGUST 2014

- 8) No development approved by this permission shall be commenced 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 accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent 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 Local Plan.

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 'Excellent' for all non-residential 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 'Excellent' for all non-residential 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.

- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall take place until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the residential development (student accommodation) hereby approved will achieve a Multi Residential BREEAM rating of 'Excellent' for the development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the residential development (student accommodation) hereby approved has achieved a Multi Residential BREEAM rating of '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.

- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure,

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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.

- 12) No development shall take place until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.
- 13) No development shall take place 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 policies QD1, QD2, QD3, QD4, QD5 and HE6 of the Brighton & Hove Local Plan.
- 14) Notwithstanding the details shown in the approved drawings, no development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) Full details of the proposed shopfronts including 1:20 scale elevation drawings and section drawings;
 - b) Elevations and sections at 1:20 scale of the proposed doors, and proposed windows, including solar shading and louvers;
 - c) Sections at no smaller than 1:10 scale showing the horizontal bands of precast concrete; and
 - d) Details of the proposed rainwater downpipes.**Reason:** To secure further details of the proposed building design and to comply with policies QD1, QD2, QD3, QD4, QD5 and HE6 of the Brighton & Hove Local Plan.
- 15) Notwithstanding the details shown in the approved plans, no development shall take place until a scheme for the storage of refuse and recycling, including improved provision to serve the individual commercial units approved, 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 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.
- 16) No development shall commence until a scheme for sound insulation and alternative means of ventilation for the student accommodation within the

PLANNING COMMITTEE LIST- 06 AUGUST 2014

development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

- 17) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. 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.

- 18) No development shall take place until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The scheme as approved shall thereafter be implemented.

Reason: To ensure that the development is car-free and to comply with policies TR1, HO7 and QD27 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation / Post Completion Conditions:

- 19) Prior to the occupation of the development hereby approved the applicant shall reinstate the redundant vehicle crossover on the northern side of Oxford Place back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development and shall be retained as such thereafter.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of '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.

PLANNING COMMITTEE LIST- 06 AUGUST 2014

- 21) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential development (student accommodation) hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the residential development (student accommodation) built has achieved a Multi Residential BREEAM rating of '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.
- 22) Within 3 months of occupation of the hereby approved student accommodation a Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include as a minimum the following initiatives and commitments:
- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel:
 - (iii) Increase awareness of and improve road safety and personal security:
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
 - (v) Identify targets focussed on reductions in the level of business and commuter car use:
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate:
 - (vii) Assess the demand for and provision of disabled parking in the vicinity of the site, including surveys of usage of existing on-street parking bays, and identify the most appropriate locations for additional disabled bays as required, and submit these findings to the Local Planning Authority.
 - (viii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
 - (ix) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
- Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 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

PLANNING COMMITTEE LIST- 06 AUGUST 2014

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 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 proposed development is acceptable in this location. The resulting building would preserve the appearance and character of the Valley Gardens Conservation Area. Subject to compliance with conditions and legal agreement requirements, no significant harm to neighbouring amenity would be caused, and transport, sustainability, landscaping and ecology considerations would be adequately addressed.
- 3) The applicant is advised that the scheme of ventilation required by condition 16 should be designed so that all the residential units (student accommodation) meet the internal 'good' internal noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB L_{Amax} as per BS8233:1999.
- 4) The applicant is advised that the scheme of soundproofing required by condition 16 should be designed so that all the residential units meet the internal 'good' noise level standards of BS8233:1999 and World Health Organisation for bedrooms and internal individual noise events do not exceed 45dB L_{Amax} as per BS8233:1999.
- 5) The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.