

<u>No:</u>	BH2018/02751	<u>Ward</u>	Hanover And Elm Grove
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Enterprise Point & 16-18 Melbourne Street, Brighton, BN2 3LH		
<u>Proposal:</u>	Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works.		
<u>Officer:</u>	Mick Anson Tel: 292354	<u>Valid Date:</u>	21.09/2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.12.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	<u>08.03.2019</u>
<u>Applicant:</u>	Vita Brighton 1 Ltd And Cross Stone Securities Ltd		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:
 1. The proposed development would occupy a site which is allocated for housing and employment mixed use development under City Plan Part One Policy CP3. The small amount of housing proposed on an allocated site for housing would therefore compromise the Council's ability to meet its housing needs 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 Policies CP1, CP3 and CP21 of the Brighton & Hove City Plan Part One.
 2. The proposed development would result in an unacceptable impact on the amenity of neighbouring residential properties in Shanklin Road due to its overbearing nature resulting in a loss of outlook and daylight to its occupiers as well as a loss of daylighting to adjoining residential properties in Viaduct Lofts, Melbourne Street contrary to policy QD27 of the Brighton and Hove Local Plan.

3. The proposed student and residential accommodation would not be acceptable as it would provide poor amenity due to unacceptable daylighting levels to future occupants of the development thus contrary to policy QD27 of the Brighton and Hove Local Plan.

Informatives:

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

2. SITE LOCATION DESCRIPTION

- 2.1. The site comprises two buildings, the main one being Enterprise Point which is a part 5, part 6 storey L-shaped 1950's style industrial building with roof plant above. The front of the building is set back 18.5 – 20m from the Melbourne Street boundary but with the 5 storey south wing set back up the hill. The site slopes down to the front (west) by over 7 metres and so due to the topography the two wings of the current building have the same flat roof at the same height. The second building on the site is 16-18 Melbourne Street, a two storey industrial unit in the north west corner of the application site.
- 2.2. The site is flanked on the east boundary by the rear of a terrace of residential properties on Shanklin Road. To the south is a primary school and on the north boundary the access road to Woodvale Crematorium. The north boundary is heavily screened by a large belt of mature deciduous trees on the crematorium land owned by the city council. On the north east boundary of the site is a four storey former industrial building converted to 20 flats which has its west elevation on the boundary of the application site with windows facing (west) directly onto the current car park of Enterprise Point.
- 2.3. Opposite the site on Melbourne Street is a 7 storey block of flats known as Viaduct Lofts. To the south are small terraces of two storey houses also on Melbourne Street. West of the site on Melbourne Street are a row of low rise industrial buildings in use as workshops and vehicle repairs.
- 2.4. The Round Hill Conservation Area is prominently located to the west of the site on the western side of Upper Lewes Road. The Valley Gardens Conservation Area lies further to the south west of the site, approximately 450m away. The adjoining Woodvale Crematorium to the northern boundary is designated as an historic listed Park and Garden and also contains listed buildings and structures. There are further listed buildings in the Locally Listed City Cemetery to the north of the site.
- 2.5. The adjoining Woodvale Crematorium is also designated as a Site of Nature Conservation Interest (SNCI).

3. RELEVANT PLANNING HISTORY

- 3.1. **BH2013/01575** - Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the south wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units - **Granted** - 15 August 2014. (Expired consent).
- 3.2. **BH2009/00655** – (Viaduct Lofts, Melbourne St) Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear - Refused - 8th July 2009. Appeal allowed 18th August 2010

Pre-application

Design Panel Review 1st August 2018

- 3.3. The application was presented to the Design Panel on 1st August 2018. The scheme proposed a 9 storey development of 350 student rooms; 19 affordable housing units and 1020 sqm. employment space. The following summary comments were made by the panel:
- The proposal would be better if taken back a stage to address some of the more fundamental concerns and further analysis/research carried out to inform a more contextual approach
 - The scale of the scheme in relation to the surrounding area, the level of overshadowing to immediate neighbours, and the compromised nature of proposed public spaces suggests that too much accommodation is being shown for the site
 - Key issues to address are the lack of daylight to the employment space and some of the student rooms, the risk of damage to mature trees leading to the cemetery and how best to address Melbourne Street. The creation of public and private amenity space with a clearer purpose avoiding ambiguous and underused areas should also be considered.

Pre-app Members consultation (July 2018)

- 3.4. Summary of comments made in writing (August 2018):
- The principle of a comprehensive redevelopment of the site is welcomed.
 - It was noted that the proposed purpose built student accommodation was in conflict with policies CP3 and CP21 of City Plan Part One which

was considered a significant concern. The approach of providing a limited number of C3 units (as affordable) was insufficient to overcome this policy conflict.

- The type of flexible office space to be provided was welcomed but concerns raised about overall reduction of employment floorspace on site.
- The overall design approach in regards to form and materials (brick) was considered something that could work on the site, members were generally all in agreement that the building was too tall for the site and recommended a reduction in height be considered.
- It was noted that the site is not within a tall building node,
- Concerns regarding the scale / density of development noting it would be out of character with the wider residential area which is generally at a smaller scale,
- The building was too tall for the site and recommended that a reduction in height be considered.
- Concerns raised about the principle of 350 additional students on the proposed site due to amenity impact of the students (movements, noise and disturbance) and the wider unbalancing effect on the wider community by introducing more students into an area.
- Concern was raised as to how the proposal would impact on neighbouring properties by way of daylight, outlook, overbearing impact etc.
- Whilst this was predominantly a student development and not standard housing (C3) units the studios would still be required to provide a good level of accommodation in terms of living conditions of future occupiers in respect of daylight, outlook, size of rooms etc.
- Concerns raised over the lack of car parking and the potential for overspill into other areas of the city outside of controlled parking zones
- It was strongly recommended that information is provided demonstrating that registered providers would take on the affordable units.

Officer pre-application advice (23/08/2018)

3.5. Written advice summary

- The site is allocated for housing and employment in City Plan Part 1 policy CP3. Policy CP21 clearly sets out that schemes for Purpose Built Student Accommodation will not be permitted on allocated housing sites. Not considered that the proposal provides a convincing argument to accept an exception to policy
- Proposal appears over-scaled in respect to height and massing on a fairly constrained site to the detriment of the visual amenity of the streetscene and the wider area. The overall design approach should be revisited.
- Proposal would harm the residential amenity enjoyed by adjoining properties in regards to loss of light, privacy, outlook and an overbearing impact. Properties abutting the north /east corner of Shanklin Road

appear to be worst affected. Revisions to footprint/massing should be considered.

- Standard of some of the accommodation provided appears inadequate with limited light, privacy and outlook to some of the residential / student units and also poor lighting to the office.
- Concerns that the quantum of B1 office proposed would represent a significant loss of employment floorspace over existing. Justification needed.
- Highway Authority have concerns relating to access, layout and cycle / vehicle parking.

4. THE APPLICATION

- 4.1. The application proposes the demolition of all the existing buildings and relocation of an electrical substation on the site and the erection of a new building of between 4 to 8 storeys comprising 1,048 sqm. of business floor space (B1), 330 no. student bedrooms (Sui Generis) with a student hub space of 348 sqm., 24 no. residential flats (C3), residents' and student amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works.
- 4.2. The proposals initially submitted proposed a development up to 9 storeys in height but has been amended during the course of consideration of the application by reducing the height of the north block by a storey from 9 to 8 storeys and the west block by a storey from 7 to 6 storeys. As a result the number of student rooms has been reduced from 350 to 330 rooms. The number of affordable housing units has also increased from 20 to 24 units with. The housing units proposed have been increased by altering the mix of units to a 50:50 mix from a 40:60 mix of 1 and 2 bed units.
- 4.3. The development would be up to 8 storeys in height with its tallest element on the north part of the site backing onto Woodvale cemetery. This part of the development would provide the student accommodation and the business space ('Vita Work') would have 2 lower (7 storey) blocks to the south on the east and west sides of the site to form a courtyard in the middle. Within the courtyard would be an L-shaped single storey element with a roof terrace on top. The west facing front of the building onto Melbourne Street also features a single storey element providing the entrance to the student and business space.
- 4.4. The proposed housing units would be in a 5 storey block physically linked to the east student block but with their own communal entrance at ground floor level. As the residential block is set back 50m from the site frontage, significant excavation would be required to overcome the change in site levels and provide an accessible entrance to the building. The building would have an east-west orientation sited opposite the Shanklin Road terraced dwellings.
- 4.5. The business space would occupy the ground floor of the main block arranged around the courtyard whilst this floor would also include cycle and refuse

stores and plant space under the north block and a small gym (98 sqm.) by the main entrance at the front. At first floor level a student hub providing all of the communal space would be in the west block with student accommodation in the north and east blocks. All of the student accommodation proposed would be studio accommodation each with their own cooking facilities.

- 4.6. The remaining upper floors of the student block provide student rooms on the north, west and east blocks. The studios are arranged off a central corridor so that they either have an outlook over the courtyard or face north, west and east.
- 4.7. There are 3 disabled parking spaces for student occupiers proposed in the north-west corner of the site. A 4th disabled parking space is proposed for the residential block. 220 student cycle spaces and 24 residential cycle spaces are proposed (an uplift of 45 and 4 spaces respectively since submission) would be provided. 10 cycle spaces for the employment space are also proposed.

5. PUBLICITY AND CONSULTATIONS

External

INITIAL REPRESENTATIONS

- 5.1. 38 representations have been received from residents objecting or commenting on the proposed development, on the following grounds:
- 5.2. Land Use/Principle of Development
- The existing building does not need upgrading and should be retained and converted.
 - The development proposes an excessive number of students for the site/area which will impact on local highways and infrastructure.
 - There is an oversupply of student housing in the area including at Vogue Gyratory, Hollingdean Lane and Lewes Road. There is no need for more student housing in this area. New student housing should be directed to other areas which don't already have a high concentration of student housing,
 - 5 of the 17 houses on Melbourne Street are let to students
 - The development does not have the right split between student rooms at 350 and affordable flats at 20. It is extremely difficult to find affordable housing in this area for a non-student renter or buyer.
 - The development would serve the needs of a transitory population over the resident population which is wrong.
 - Students are a transient population and are unlikely to stay long term. The area needs more good quality affordable housing for local families/permanent residents.
 - Student housing does not free up family housing as local universities are constantly taking more students.

- The development would result in the loss of property guardians' housing in current building.
- Loss of existing sports and community uses on the site.

5.3. Design/Visual Amenities/Landscape Impacts

- The development would have an inappropriate height at 9 storeys. The height of the development needs to be reduced/more considerate and no taller than the existing building.
- The building would dominate the skyline and impact on local views.
- The adjacent Viaducts Loft development is already a high 7 storey building and this is a narrow street.
- The development should be reduced to the same height as Viaduct Lofts and should be set back further from Melbourne Street and stepped back in height.
- The development would be an overdevelopment of the site.
- The development should contain additional open space, trees and landscaping.

5.4. Amenity Issues

- Overshadowing and loss of light to the properties on Shanklin Road to the rear.
- Loss of outlook to the rear of properties on Shanklin Road.
- Loss of privacy to the rear of properties on Shanklin Road and Viaduct Lofts to the front. An earlier plan for this site had angled windows.
- No tree screening is proposed on the western side of the site which would reduce potential overlooking of properties at Viaduct Lofts.
- Deliveries to the student flats would cause noise and disturbance.
- Additional students will cause noise and anti-social behaviour problems in the area, including late night activity, drunkenness, smoking and litter. This would also increase vermin in the local area.
- The student housing should have a 24 hour concierge.
- Overlooking of the adjacent school playground, which raises privacy and safety concerns regarding the school children.
- Noise, dust and air pollution during construction works.
- The flats should not be let out as residential flats outside term time.

5.5. Transport/Highway/Access Issues

- Additional traffic impact, increased congestion and highway/pedestrian safety issues - This is already a congested area and cannot accommodate additional traffic.
- Children being dropped off and picked up at the adjacent school causes local traffic congestion.
- Melbourne Street is a one way road and there are already issues with people driving the wrong way, parking on the double yellows and on bends.
- There is double parking on Melbourne Street which would make it difficult for construction/service lorries to access the site.

- The Melbourne Street/ Lewes Road exit is a dangerous junction with a bus stop to the right, a pedestrian crossing to the left and buses blocking views, and a cycle lane. The additional traffic from the development may cause accidents.
- The development will place additional strain on local refuse and recycling collection.
- This development and the nearby development on the garage should not be constructed at the same time.
- Refuse lorries already find it difficult to access Melbourne Street. The residents of the nearby Connaught Mews have been told that Melbourne Street is too narrow for bin lorries.
- Access for emergency vehicles needs to be considered.
- The construction transport impact plan will need to take into account the width of the street, traffic, current residents, working hours etc. There should be a named contact and telephone number so that any issues can be addressed.
- The development would be car free with access to local parking permits; however disabled users would still be entitled to local car parking permits. In addition students will park their cars nearby in areas without parking restrictions.
- Increase in informal parking within the grounds of the adjacent Woodvale Crematorium and Coroners Court which will impact on the day to day operation of that site.
- The number of delivery bays would not be sufficient for 350 students.
- There may be insufficient local bus capacity to transport these students to the University.

5.6. Other Issues

- The development would impact on trees in the grounds of adjacent properties.
- Local doctors will be under pressure from such a large amount of extra people living in such a small area.
- Additional student housing will make the area feel more transient.
- The demolition of the existing building is a waste of resources. The building is structurally sound so should be renovated and refurbished.
- Structural impact on retaining walls to properties on Shanklin Road.
- The rooftop telecommunications mast should be relocated elsewhere.
- Impact on property values.

5.7. 2 representations have been received from residents supporting to the proposed development, on the following grounds:

5.8. Land Use/Principal of Development

- Housing is needed and this will free up local family housing.

5.9. Transport

- The road has good transport links and is a good location for students.

5.10. Design/Visual Amenities/Landscape Impacts

- The design of the scheme looks ideal for this area.
- 5.11. Amenity
- The forecourt of Enterprise Point is presently used informally by the adjacent garage for car repairs. The development would stop this noisy activity.
- 5.12. Amended Scheme
- 26 representations have been received from residents objecting or commenting on the revised proposals, on the following grounds:
- 5.13. Transport
- Additional traffic
 - Inadequate street lighting will become worse for pedestrians
 - Poor visibility for entering and exiting Melbourne Street onto Lewes Road will be made worse by additional traffic
 - On-street parking cannot be managed.
 - Melbourne Street cannot cope with more servicing and deliveries
 - Would limit access to local businesses and residents
- 5.14. Scale/Massing/Heights
- Inappropriate height (8 storeys) in distant views. Should be 6 storeys.
 - Overdevelopment. Inappropriate for the space available.
 - Out of keeping with Melbourne Street
 - Too close to boundary (Shanklin Road)
 - Too close to the street (Melbourne Street).
- 5.15. Density
- Reduction of scheme student numbers is small (5%)
 - Excessive density of rooms
- 5.16. Mix of uses
- Area over concentrated with students. More students would result in less people wanting to live here and perpetuate the imbalance in the community.
 - Scheme will not reduce student HMO's as developers claim.
 - Not enough (affordable) housing proposed
 - Would welcome a housing and employment development.
 - Newsletter sent to residents stating that 23,000 students will not have accommodation is not credible.
 - Reduction in student numbers is insignificant. Should be 200 maximum.
- 5.17. Amenity/Noise/Privacy/Daylight
- Noise echoes around rear of current site on Shanklin Road due to drop in ground levels creating a canyon effect. Noise would become worse.
 - Would cause overshadowing
 - Overlooking (Shanklin Road and Viaduct Lofts)
 - Loss of daylight (Shanklin Road) especially to basement flat already below standard.

- Loss of amenity with increased footfall.
- Concern about summer lets to non-students
- Construction noise
- Loss of privacy despite removal of balconies and addition of angled windows 6 metres from garden.
- Would cause pollution.

5.18. Infrastructure

- Massively out of proportion with local infrastructure e.g. buses, GP surgeries, dentists etc
- Be mindful of another proposal for Melbourne Street garages coming forward for HMO living
- Support no car scheme but concern about transport infrastructure
- Scheme needs to be seen in conjunction with all student schemes in the pipeline

5.19. Landscaping

- Damage to trees in gardens
- Amenity space between development and Shanklin Road houses will become like a wasteland
- Concern about nesting birds in existing trees

5.20. Other issues

- Residents of 29 Shanklin Road have a rear exit which allows access onto the existing site car park. Applicants not responded to resident queries about the use of this access.
- Not taken account of local resident's objections
- Object to how developer is making concessions to the school to bolster their plans.

5.21. 2 comments of Support

- Good design
- Support if improvement of existing student behaviour in Melbourne Street can be built in.

5.22. **St Martins Primary and Nursery School:**

Areas of support-

- We accept that the site needs to change and be developed.
- We appreciate that the project has a long term vision and is education based with opportunities for us to work together for the benefit of the children and the community.
- We have had many meetings and held a consultation with our community and Vita has listened to suggestions and feedback.
- Vita has offered to support the school with developing the playground into a better space for the children.
- They have given clear priority to the boundary line and on suggestions from the school community and have agreed larger trees on their side and a green wall to enrich the environment.

- We would anticipate this design element forms part of any planning permission as a pre occupation planning condition.
- We appreciate the fact that this will be a managed property at all times.

5.23. Areas of concern-

- We would like them to consider the west side block with potential to step this back from the school so it would not be so over bearing.
- We would like to be consulted regularly on the construction management plan.
- Construction needs to take account of the proximity and disturbance to the school particularly during teaching hours.
- We would suggest that jointly we form an action group with school travel team/highways to consider the development of pedestrian routes in Melbourne Street. We would suggest any section 106 funding from a planning approval on this site be directed to improve pedestrian access to the school along Melbourne Street.
- We would need the stringent Health and Safety measures to control dust, noise and delivery traffic etc. to be continually monitored, assessed and revised in order to ensure the school continues to be a safe and comfortable environment.

5.24. **Councillor Dick Page (Hanover & Elm Grove Ward):** Objects to the development. Comments attached.

5.25. **Councillor Emma Daniel (Hanover & Elm Grove Ward):** Objects to the development. Comments attached.

5.26. **Councillor David Gibson (Hanover & Elm Grove Ward):** Objects to the development. Comments attached

6. CONSULTATIONS

External:

6.1. **East Sussex County Archaeologist:** No Objections. There are no significant archaeological remains that are likely to be affected by these proposals.

6.2. **Environment Agency:** No response received

6.3. **RSPB:** Comment. If the Council intends to grant permission for the above planning application, a planning condition should be added requiring 4-6 swift nest bricks (located in the north wall/east wall). Installing integral swift bricks would contribute to these objectives and demonstrate the commitment of the Council to protecting and enhancing biodiversity. and would comply with Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Section 170(d) of the revised National Planning Policy Framework (NPPF).

6.4. **Sussex Police:** Comment on the development on the following grounds:

- 6.5. The NPPF demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton district being above average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.
- 6.6. The student internal cycle storage will need to be separated into independent & secure areas with access control. A maximum of 30 cycles each, to reduce payoff to a potential offender and to reduce the chances of theft of parts or theft of the cycles. The store must be fitted with movement activated lighting and secure cycle storage racks.
- 6.7. External lighting throughout the development will be an important consideration and should conform to the recommendations within BS5489:2013. Energy efficient, dusk to dawn switched LED, vandal resistant lighting should be used where possible. Lighting must be commensurate with any considered CCTV equipment.
- 6.8. Southern Water: Comment** on the development on the following grounds
- 6.9. Foul sewage disposal can be provided to service the proposed development. A formal application to us is required for a connection to the public sewer.
- 6.10. Planning Conditions should ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development.
- 6.11. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities to avoid flooding and inundation of the foul sewerage system. A management and maintenance plan for the lifetime of the development should be required.
- 6.12. UK Power Networks: Objects** to the development on the following grounds:
- 6.13. The applicant has not served notice in accordance with the Party Wall Act. The applicant should provide details of the proposed works and liaise with us to ensure that appropriate protective measures and mitigation solutions are agreed.
- 6.14. **East Sussex County Ecologist:** Can be supported from an ecological perspective provided that the recommended mitigation measures are implemented. The proposed development is unlikely to have a detrimental impact on biodiversity.

6.15. Potential impacts on biodiversity:

- Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site (LWS or Site of Nature Conservation Importance) lies adjacent to the northern boundary of the site. Vegetation along the northern boundary should be retained and protected where possible and a sensitive lighting scheme should be developed to prevent light spill onto the LWS.
- The site is predominantly buildings and hard standing, with some scattered trees on the boundaries, and is of relatively low biodiversity interest.
- One mature elm tree on the northern boundary is ivy clad and as such, offers some potential for roosting bats.
- The site has the potential to support breeding birds.
- The site is unlikely to support any other protected species
- Mitigation Measures and Enhancement:
- The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of green walls and/or roofs, the provision of bird, bat and/or insect boxes and the use of native species and species of known wildlife value within the landscaping scheme.
- Although the sustainability checklist does not include a green wall, it is noted from the Design and Access Statement that green roofs will be provided. A brown or biodiverse roof would be most beneficial to wildlife, and the use of chalk grassland species would help meet Biosphere targets.
- If the Council is minded to approve the application, it is recommended that a condition is applied requiring an ecological design strategy.

Internal:

6.16. **Arboriculturalist Initial comments:** Recommend refusal

6.17. The immediate street scene on Melbourne Street is harsh but benefits greatly from the wooded backdrop afforded by the trees in the cemetery.

6.18. The proposed redevelopment, following demolition involves the construction of a substantial modern block. This block has a footprint considerably larger than that of the existing building leaving minimal space for meaningful soft landscaping and tree planting. The new building pushes up towards the northern boundary where it impinges on the canopy and root system of neighbouring trees. It also comes close to the southern boundary where space for only token planting adjacent the primary school is offered. Along the eastern boundary, an opportunity is missed to bring some improvement to this aspect for residential properties in Shanklin Road. The proposed green roof design is welcomed, but should be seen as a baseline for building projects of this magnitude.

6.19. The construction process will have a direct impact on the adjacent trees in Woodvale cemetery. There are a small number of removals (5) and these will

cause minimal impact which is not disputed. The main area of concern is around the degree of cutting back required to facilitate construction and the likely impact of level changes between the new building and the northern boundary. More space between the building and the trees is required and minimal change in levels can be tolerated in the rooting zone. With the likely need to scaffold the building and the existing gradients requiring some alteration, an arboricultural method statement is needed before any consent could be granted.

- 6.20. It is acknowledged that the existing site has no merit in terms of soft landscaping. However, in view of the scale of the redevelopment proposed and minimal soft landscaping being offered, the Arboricultural Team are of the view that consent should not be granted. The redevelopment should be seen as an opportunity to secure landscape improvement and this is especially important where the site adjoins the neighbouring school. A more substantial green buffer should be formed between the two buildings than that provided by little more than a single line of lime trees. A building with smaller footprint may be viewed as a better option especially if this brings additional planting on site.
- 6.21. Revised comments: Object
- 6.22. The latest revision detail brings some clarity regarding changes in levels and surfaces which gives some assurance as to the limit of root damage likely to occur. Provided the site is carefully supervised it would appear that the level of root damage should be only minor, due to the trees position upon an embankment, and will not excessively affect the trees.
- 6.23. The building comes close to the southern boundary where space for only token planting adjacent the primary school is offered. This has been weakened further by the removal of planting, initially proposed so as to provide further car parking. It is our view that around a minimum 4m width of contiguous soft landscaping between the school and the building within the site should be afforded to a scheme of this size and impact.
- 6.24. Along the eastern boundary, an opportunity is missed to bring some improvement to this aspect for residential properties in Shanklin Road. The intention to form a wild grassland meadow in this area is very optimistic due to very low light levels and will never be able to produce flowering meadow of the type implied on the plan.
- 6.25. The terraced area has landscaping proposed some of this include 4m high trees to help with wind mitigation. At this level any vegetation would be within planters with limited space for rooting volume, and their long term retention will not be sustainable due to the risk of them being pot-bound and other risks associated with enclosed planting such as irrigation.
- 6.26. Large 8m high evergreen trees are proposed for wind mitigation along the southern boundary. Whilst large trees will give instant impact, they will require a lot of care in order to reach successful establishment and a long term management plan will be required. Evergreen trees retain their full crown

throughout the year and may form a hedge once their tree crowns mature and close canopy with the adjacent trees. Deciduous trees even without leaves will still manage to soften the adjacent buildings around them.

- 6.27. The proposed green roof design is welcomed, but should be seen as a baseline for building projects of this magnitude. The road frontage has a limited scope for some soft landscaping to be provided with at best 1 or 2 trees.
- 6.28. Final comments: No objection
- 6.29. The council has been sent new information in response to the arboricultural team's comments about trees and proposed landscaping at the site. It is acknowledged that the existing site has no merit in terms of soft landscaping, however, the proposed soft landscaping submitted was inadequate at the time when balanced against the scale of the redevelopment.
- 6.30. A widened four metre landscape strip has been proposed upon the southern boundary adjacent to the school and this is welcomed by the arboricultural team, as it will provide a greater buffer between the existing school to the south and the proposed development. Overall the new information submitted by the applicant has taken note of our concerns and is an improvement to the previous plans. Broadleaf trees are still preferred and concerns may arise due to growth of trees in proximity to the south elevation. The high hedge proposed on the southern boundary could cause sunlight deprivation to planting at lower level. Further details will need to be submitted at a later date but these could be part of a landscaping condition.
- 6.31. Children and Young People's Trust:**
- 6.32. Initial comment: The level of contribution towards education infrastructure that would be expected if this development was to proceed is below.
- 6.33. The application form includes student accommodation and 20 x 1 or 2 bed units. In calculating the contribution I would be seeking I have only included the residential units since the pupil yield from student accommodation would be negligible.
- 6.34. In this instance we will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we would be seeking a contribution of £13,772.80 towards the cost of secondary provision if this development was to proceed.
- 6.35. With regard to the secondary provision, the development is in the current catchment area for Dorothy Stringer and Varndean schools. At the present time there is no surplus capacity in this catchment area and secondary pupil numbers in the city are currently rising. Any funding secured for secondary education in the city will be spent at either Dorothy Stringer or Varndean schools.

Contribution for Nursery Education	£0.00
Contribution for Primary Education	£0.00
Contribution for Secondary Education	£13,772.80
Contribution for Sixth Form Education	£0.00
<u>Grand Total</u>	<u>£13,772.80</u>

Revised comments

- 6.36. The application form includes student accommodation and 24 x 1 and 2 bedroom units. In calculating the contribution I would be seeking I have included just the dwellings.
- 6.37. The calculation of the developer contribution shows that we will be seeking a contribution of £15,024.00 towards the cost of secondary provision if this development was to proceed.
- 6.38. Economic Development: Initial comments Support on the following grounds:**
- 6.39. City Regeneration notes that the building in its current form is dated and in a poor condition and is not best suited for modern business requirements. City Regeneration understands the majority of the site has been vacant for several years and thereby does not contribute to the local economy. The applicant states that the building is currently less than 30% let on short leases with tenants holding over, pending development of the building. Large areas of the building have been vacant for many years as they have proved un-lettable and require significant refurbishment.
- 6.40. A workspace (Class B1) of approximately 1,043m² (NIA) is proposed at ground floor with frontage onto Melbourne Street for use by VITA work users and will be operated by Vita Work. The Vita Work space will provide ad hoc or short to medium term office leases which are generally required by small and start-up enterprises who are struggling to find suitable and affordable workspace in Brighton & Hove. It is also noted that it is envisaged the space will encourage entrepreneurship of graduates through the provision of this business start-up space which is integrated with student accommodation and we welcome this concept.
- 6.41. City Regeneration regrets the significant loss of 2,919 sqm of B1(a) office floorspace within Brighton & Hove, however, this will be partly redressed by the provision of workspace (Class B1) of c.1,043 sqm on this site. Based on guidance from the Homes and Communities Agency, the planning statement says the Vita Work unit is estimated to generate 104 jobs and the applicants estimate management of the Vita Student and Vita Work spaces will create c.15 jobs. However, the application form estimates job creation at 124 FTE. The OffPAT Employment Densities Guidance indicates for B1(a) Office space the site could provide 90 FTE jobs based on 1,043 sqm. Even with the additional 15 FTE jobs to manage the Vita Student and Vita Work spaces, the applicant's estimates exceed the OffPAT estimates. We also note that the construction phase is estimated to create 186 jobs over an approximate 2 year

period. City Regeneration welcomes the jobs creation proposed which will bring this derelict site back into use and contributing to the local economy.

6.42. Should this application be approved, as a major development, it would be subject to developer contributions as specified in the planning authority's Technical Guidance for Developer Contributions.

6.43. The breakdown of the developer contributions would be as follows:

Studios / Bedsits	350 x £100	£35,000
1 / 2 Bed dwellings	20 x £300	£6,000
TOTAL:		<u>£41,000</u>

6.44. In respect of non-residential floor space, as there is an actual loss of 2919 sqm of employment floorspace, developer contributions would not be applicable.

6.45. In addition to the developer contributions, should this application be approved, there would be a requirement for an Employment & Training Strategy demonstrating how the developer or their contractors will provide opportunities for employment and training for local people to be secured by a S106 Agreement.

Revised comments

6.46. City Regeneration supports this application. Please refer to fuller details in the Main Comments and suggested conditions.

6.47. Should this application be approved, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions.

6.48. The developer contribution requested would be **£40,200**.

6.49. The breakdown of the developer contributions is as follows:

Category	No of Units		Contribution for unit	Total
Studios / Bedsits	330	x	£100	£33,000
1 / 2 Bed dwellings	24	x	£300	£ 7,200
	TOTAL -----			TOTAL -----
	354			£40,200

6.50. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval and will be subject of a S106 Agreement.

6.51. Environmental Health: Recommend approval subject to conditions.

- 6.52. The proposal is for a U-shaped student accommodation block with roof space seating, amenity balconies and ground floor area, community hub and flats for long term general needs accommodation. A bin area, cycle stand, plant room and roof plant is included. The following aspects are of interest from an Environmental protection perspective:
1. CEMP would be required to minimise impact on neighbours during construction;
 2. Contaminated land full assessment needed (site sampling, remediation scheme discovery and verification outstanding (Waterman Ltd report);
 3. BS4142 report by an acoustician as residential being introduced next to existing commercial plant and also proposed plant serving the new blocks (Sustainable Acoustics report);
 4. Careful siting of rubbish stores/plant rooms, gym and social space in relation to residential;
 5. Sound insulation to go beyond Building Regulations Part E requirements (Sustainable Acoustics report) to provide a good internal acoustic standard and enhanced glazing and associated ventilation/temperature measures, as closed windows are to be relied on to keep noise out;
 6. Restrictions on delivery and operating times for community uses indoor and out;
 7. Noise management plan for indoor and outdoor roof and ground floor amenity spaces, gym, smoking areas, events to control neighbourhood nuisance (Sustainable Acoustics report 17.9.18);
 8. Lighting plan to reduce potential for light pollution complaints (Turkington report not available to view).
- 6.53. No café kitchen is shown, but if it were to be included odour control (including acoustic considerations) would be required, the aim is to avoid odour (and noise) nuisance to existing or proposed neighbours.
- 6.54. **Heritage Officer:** Initial comments. Object
- 6.55. The site is currently occupied by Enterprise Point, a substantial 1960s office building on an L-shaped plan and arranged over 6 storeys on a sloping site. The following heritage assets are considered to fall within the setting of the site.
- 6.56. To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery, which is a triangular is shaped burial ground laid out and consecrated in 1857 and set over c.8ha.
- 6.57. There are good views within the site and to the Extra Mural Cemetery to the north (which is a locally listed heritage asset). Woodvale Cemetery is a good example of an early High Victorian public cemetery for a provincial town. The cemetery layout and most structures survive intact and some of the monuments are grade II listed. The North Lodge in the entrance driveway is grade II listed and is a 2 storey Victorian lodge faced in flint, a short distance from Enterprise Point.

- 6.58. To the east of the site, on the other side of the valley across Lewes Road, is the Round Hill conservation area, which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground, set amongst mature trees and greenery and with long views to the Downs to the east. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed. The Round Hill Conservation Area Character Statement notes that *“it is in the long views of the conservation area that its greenness can be appreciated - a characteristic not evident from the streets within the area”*. The Character Statement also goes on to say that *“views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south-east the curves and contours of streets like Round Hill Crescent are especially attractive”*. Indeed the curving terraces of Round Hill, following the topography of the downland, are a prominent and distinctive feature in a number of relevant views from the east side of the valley, e.g. from Hartington Road, Bembridge Street and Shanklin Road.

The Proposal and Potential Impacts

- 6.59. It is disappointing that the lengthy submitted Planning Statement makes very little reference to heritage assets or heritage policies and wrongly identifies Woodvale Cemetery as being a locally designated heritage asset only. There is a similar lack of reference to Heritage policy in the Design and Access Statement, although the relevant heritage assets are identified and assessed. Such references are further inadequate in the Townscape and Visual Assessment.
- 6.60. The proposal is for a tall building but, contrary to what is stated in the submitted Planning Statement, the site does not lie within tall building area as set out in policy CP12 and SPGBH15.
- 6.61. As the supporting text to CP12 makes clear, the Lewes Road tall building corridor is centred on the University of Brighton’s Moulsecoomb campus and the former Preston Barracks site. The Tall Building Study that informed the SPG states that this corridor extends southwards to the Lewes Road/Hollingdean Road junction. In addition this site has no frontage to Lewes Road and is set well back in small-scale residential streets.
- 6.62. Turning to the heritage assets, Woodvale cemetery has an enclosed and secluded character, without built development intruding, and this character is manifest from shortly after the point of entry on Lewes Road, through the tree-lined driveway and onto the upper ground. The current Enterprise Point building is below the height of the tree canopy and does not intrude on the way the cemetery is experienced, either visually or in terms of use/activity. The submitted Townscape and Visual Assessment has demonstrated that the proposed development would not be visible from within the cemetery above the tree line from the sensitive viewpoints. Given the proposed uses it is also considered that the development would not otherwise impact on the way that the cemetery is experienced. It is therefore considered that the proposal would

cause no harm to the setting of the registered park/garden or to the settings of the listed buildings within it.

- 6.63. With regard to the impact on the setting of the Round Hill conservation area, in unfolding views south-eastwards from Round Hill Crescent towards the site (from adjacent to the listed terrace of 101-113), there is a substantial backdrop of greenery and the horizon line is currently largely taken up with the tree canopy. This green back drop of the other side of the valley contributes positively to the setting of the conservation area. As proposed, the development would substantially and bulkily encroach onto this green backdrop and, from the single viewpoint provided (View 7), would be level with the top of the tree canopy and horizon line. Moving down the hill a little it would firmly break this line.
- 6.64. There is regrettably no submitted view from Bembridge Street/Whippingham Street, but the submitted view from Shanklin Road (View 5) shows how the scale and massing of the proposed development would greatly intrude upon and disrupt the very distinctive pattern of the area's development, which comprises horizontal bands of pale stucco curving terraces with intervening bands of trees, capped by a skyline of trees, following the curved of the Downland topography
- 6.65. This distinctive development pattern is specifically referred to in the Round Hill Conservation Area Character Statement. This view from Shanklin Road view includes some of the listed buildings on Roundhill Crescent, which is the set-piece development within the area (numbers 69-71 and 101-113). The height, bulky massing and long slab of the proposed development are alien and intrusive features in this view.
- 6.66. It is not considered that such a tall building has been justified on this site outside of a tall building area. Rather it is considered that the proposed development would cause demonstrable harm to the setting of the Round Hill conservation area and to the settings of the listed buildings. This harm would be less than substantial under the terms of the NPPF, in each case, but should nevertheless be given great weight in the decision-making process, as paragraph 193 of the NPPF makes clear. There are no heritage benefits to the proposal that may be weighed against that harm.

Revised comments – Approve with conditions

- 6.67. The revised plans, Design and Access Statement and Townscape and Visual Appraisal have satisfactorily demonstrated that the site can accommodate an eight storey building of the massing shown whilst visually fitting in with the immediate streetscape and without causing harm in longer views or to the settings of heritage assets.
- 6.68. The amended plans, which have reduced the height and bulk of the buildings, have satisfactorily addressed previous concerns about the impact of the height, bulk and roofline of the proposed development on views both from and towards the Round Hill conservation area, notably in Viewpoint 5 and

Viewpoint 7. In Viewpoint 5 from Shanklin Road the development would no longer interrupt the sweeping curves of the terraces of Round Hill and the change in cladding material and fenestration would make the development more sympathetic to the backdrop of the pale stucco terraces and their ordered fenestration. In these respects the development would also now preserve the setting of the listed buildings at numbers 69-71 and 101-113 Round Hill Crescent. In Viewpoint 7 the revised proposals would retain sufficient of the important green backdrop and would not encroach on the horizon line of the tree canopy. Again, the change in cladding material and fenestration have combined with the reduction in height and the simplification of massing to create a development that is visually sympathetic to its historic context.

- 6.69. Materials will need to be approved by condition to ensure that the indicated quality of finishes is achieved.
- 6.70. **Highway Authority:** Initial comments Recommend refusal unless the following alterations or additional information be submitted prior to determination:
- 6.71. The servicing bay currently proposed will require extensive vehicle crossovers and have a greater impact on the quality of the pedestrian route as well as the design of the site frontage. It is therefore recommended that the proposals for the servicing bay be reviewed. The applicant will also need to consider how the proposed servicing area and site forecourt will be managed so that it does not become a focus for indiscriminate parking. It is also recommended that any associated with works at the site accesses include for crossing improvements between the western side of Melbourne Street and the site on the eastern side.
- 6.72. Swept paths have not been provided for all the proposed parking bays and it is unclear from the vehicle tracking submitted whether all bays could be accessed or if vehicles can turn on site when other bays are occupied. The provision of sufficient space for cars to park off of the public highway also reduces the likelihood that these will overhang the footway as they do at present.
- 6.73. In this location, car free development is considered appropriate in principle, particularly for the student accommodation where good access is available by sustainable modes to university sites and the city centre. The site is also located within a Controlled Parking Zone (CPZ) meaning that the development can be made truly car free by restricting the ability of future residents to apply for a parking permit. The applicant has not submitted a parking survey; however, the council's own data suggests a high permit uptake and demand for parking in this location. The Highway Authority would therefore request that the car free condition be added to any planning consent.
- 6.74. The Highway Authority would consider the proposed trip rates to be reasonable. The TA forecast indicates that an increase of approximately 222 person trips can be expected compared to the existing office development if

fully occupied. The removal of the current 80 space car park would be expected to result in a reduction in vehicle trips with the majority of additional trips likely to be undertaken by sustainable modes.

- 6.75. The current application is forecast to result in an increase in person trips and therefore a S106 contribution is requested in order to provide for the increased demand.
- 6.76. The proposed cycle parking is significantly below the minimum required by SPD14. It is unclear how the required level of provision could be accommodated within the proposed layout and it is therefore requested that revised ground floor and site plans containing further details of cycle parking be submitted prior to determination. The Highway Authority will therefore request a proportion (25%+) of Sheffield stands within each store.
- 6.77. These issues should be satisfactorily addressed if a recommendation of refusal is to be avoided. In the event that planning consent is granted, the Highway Authority would request a S106 contribution and a number of conditions.

Revised comments: Recommend approval

- 6.78. The Highway Authority recommends that, subject to s106 agreement and a number of conditions, the application be approved.
- 6.79. The following further details will be required prior to approval of any s106 agreement:
- Developer contribution of £33,000 towards sustainable transport measures
 - Further details to be added to a Travel Plan including measures and targets, including the requirement for showers;
 - Construction & Environmental Management Plan; DEMP (Demolition)
 - S278 Highway Works design and detail of site access and pedestrian crossing point;
 - Delivery & Servicing Management Plan.
- 6.80. Whilst we recommend approval, the following concerns should be noted.
- The applicant is proposing 3 disabled parking spaces, with the option of a 4th. Policy requirements state that the minimum number required is 10 and we believe that the applicant can identify space for a further 4 spaces. As the application site is very close to Lewes Road, a key public transport corridor, we believe that the deficit of 2 spaces in this location is an acceptable compromise.
 - We recommend that Travel Plans are secured for the different components of the site including a move-in/out strategy.
 - The applicant is proposing that the student, office and residential components of the site are car free. We recommend that this is secured via a section 106 agreement.

- Owing to some remaining issues, we are recommending that details of a cycle parking scheme are secured through a condition.
 - We recommend that the applicant identifies likely delivery trip numbers for student and residential personal deliveries, as these are not currently presented.
- 6.81. Further, we recommend that the s278 Highway Works include the following measures:
- Removal of redundant vehicle accesses, adjustment to alignments of footways with associated pedestrian crossing;
 - Resurfacing of the footway on Melbourne St alongside the perimeter of the site;
 - Provision of a pedestrian crossing between the site and the western/southern footway of Melbourne St.
 - Relocation of street furniture and telecommunications equipment;
 - We also recommend the introduction of a 'no loading at any time' restriction on the eastern side of Melbourne Street
- 6.82. **Housing Strategy Not supported** - unless the following amendments are made:
- Development should conform to allocated use of the site
 - Affordable Rent Housing is included
 - Affordable Wheelchair Housing is included
- 6.83. The application is to provide 350 purpose built student units and 20 residential units, with the 20 residential units to be provided as Affordable Housing (Shared Ownership).
- 6.84. This site is allocated for housing within City Plan Part 1 (CPP1) and the council has a very pressing need to provide housing. The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers housing mix the city needs with a particular emphasis on homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city.
- 6.85. Policy CP20 currently requires mixed tenure to be provided, which is the most effective way of ensuring a balanced community is achieved. The Affordable Housing Brief sets out a broad tenure split of 55% as Affordable Rent and 45% as affordable home ownership i.e. Shared Ownership sale, as a citywide objective. On this basis the properties should be offered as 11 for Affordable Rent and 9 for Shared ownership.
- 6.86. The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. fully wheelchair accessible at time of first letting/ sale). There should be 10% wheelchair accessible homes provided within the affordable housing element. This

equates to 2 homes and Affordable Rent would be the preferred tenure for Affordable Wheelchair accessible homes.

- 6.87. Policy CP21 Student Housing states that permanent purpose built student housing will not be supported on sites allocated for housing. Therefore, while affordable housing would be welcomed with revised tenure this does not necessarily reflect the full potential for housing or affordable housing on this site.
- 6.88. Planning policy: Initial comments: Object** to the development on the following grounds:
- 6.89. City Plan policy CP21 supports the provision of Purpose Built Student Accommodation (PBSA) to help meet the accommodation needs of the city's students subject to seven criteria being met. As this site is allocated for mixed use housing and employment through policy CP3 and is also identified in the SHLAA as having potential for housing (C3) development, criteria 7 of this policy is not satisfied and PBSA development on this site cannot be supported.
- 6.90. Twenty residential units, including eight 1-bed apartments and twelve 2-bed apartments are proposed and it is welcomed that all units will be affordable. However, the design analysis indicates that the site is capable of accommodating a greater quantum of residential accommodation than the proposed 20 units and the expectation through policy CP3 is that this additional accommodation takes the form of class C3 dwelling houses.
- 6.91. For a standard housing scheme, a mix of flat sizes (1, 2 and 3 bed) would be expected, however the proposal is predominantly single occupancy PBSA units and therefore neither provides a satisfactory amount of class C3 housing nor a satisfactory mix of residential units on this allocated site in accordance with policies CP3 and CP19.
- 6.92. DA3 Lewes Road Area
The site is located within the Lewes Road Development Area, identified through policy DA3 of the City Plan which sets out the council's strategy for development in the defined Lewes Road Area. The strategy is to improve higher education provision in the area and to secure improved sustainable public transport infrastructure. In addition the wider employment role of the area in bringing forward employment floorspace is also acknowledged in the policy through a number of strategic allocations and through the protection of existing industrial estates within the area. Securing improvements to the townscape and public realm is another key objective and to deliver inter-connected green infrastructure and to improve air quality.
- 6.93. Employment
The site is identified as being within the 'Melbourne Street Industrial Area' under City Plan policy CP3. Sites identified in Policy CP3 are key to the overall employment strategy of the Plan, with the mixed-use sites seeking to achieve the twin benefits of high quality modern business floorspace and additional housing units through more effective and efficient use of the sites.

- 6.94. City Plan Part One is guided by a positive forecast job growth of over the plan period (requirements of 112,240m² of office (B1a, B1b) floorspace over the City Plan period). The city is ambitious in terms of its strategic growth objectives and commitment to ensure sufficient quantities of high-quality modern premises to meet economic output and jobs target (ELS 2012). Local companies are currently finding it difficult to find suitable move-on space and this lack of supply is a key barrier to growth in the city. Office rents, prices and yields have all risen as a result of supply shortages and excess demands across the city.
- 6.95. City Plan policy CP2 'Planning for Sustainable Economic Development' supports the bringing forward of a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The principle of flexible working space (with educational links to the student offer) on this mixed use site is therefore welcomed. Policy CP3 sets out that when considering new development on the site that this should be 'employment led' and with the starting point being that there should not be a net loss of employment floorspace. The proposed scheme includes 1,043m² of 'co-working' B1 office floorspace as the employment element of the scheme which represents a loss of 2,919m² from the existing level of employment floorspace on the site. This represents a significant reduction and is required to be fully justified in line with the tests in paragraph 4.36 of the supporting text to Policy CP3.
- 6.96. It was accepted during the consideration of the 2013 application that the current building on the site is dated and not ideally suited to ongoing commercial use. The District Valuer concluded in an assessment to support that application that given the age and quality of the building, the income generated means that refurbishment would not have been viable. The redundancy of this building is therefore accepted and regeneration of the site welcomed.
- 6.97. The applicant sets out detailed justification for the reduced floorspace in the Planning Statement by specifically addressing the tests in paragraph 4.36. Numerous points are made, including:
- the quality and type of the proposed office space is more suited to the modern needs of business occupiers.
 - the proposed use is likely to operate at a higher density than the existing mix of uses.
 - The existing building is dilapidated and detracts from the aesthetic and townscape of the area.
 - Home and Communities Agency Employment Density Guide 2015 estimates co-working space provides one job per 10-15m² – this results in an estimated job provision of 70 - 104 jobs.
- 6.98. The applicant has accepted that the theoretical total number of people that could be employed at the site would be reduced, however it is noted that the current building has been partly vacant for many years with clear difficulty in securing tenants to provide ongoing B class uses. With regard to viability, the

applicant has provided evidence from Oakley which considers two scenarios (redevelopment of the site for either solely industrial for office development with no residential element). It concludes that neither of these options would be viable, however the policy framework does not require the site to be redeveloped exclusively for employment use.

6.99. The Planning Policy team accepts that the proposed level of employment floorspace provision for a flexible co-working use is acceptable in this instance for the reasons stated by the applicant in the planning statement as summarised above.

6.100. Purpose Built Student Accommodation
City Plan Policy CP21 supports the provision of PBSA to help meet the housing needs of the city's students as long as seven criteria are 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;

A management plan should be required by condition to address this criterion.

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;

The site is located within walking distance of the University of Brighton's Moulsecoomb campus and is well connected to the city centre and campuses at Falmer by several bus routes and trains from the nearby Moulsecoomb station.

4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;

Refer to comments by the Council's Transport Team.

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 demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;

No evidence has been provided indicating a formal agreement has been agreed with an educational provider, or that any discussions are ongoing in this regard. This criteria is therefore not satisfied.

7. Permanent purpose built student accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.

6.101. As this site is allocated for mixed use housing and employment through Policy CP3 and is also identified in the SHLAA as having potential for housing development, this criterion is not satisfied. Whilst there is likely to be demand for additional PBSA within the city, the council's priority is the delivery of general housing (including affordable housing) particularly given that the planned housing requirement (13,200 new homes across the Plan period) This has been highlighted by a recent appeal decision (BH2016/05530 – Land South Of Ovingdean Road, Brighton June 2018) which determined that the city could not demonstrate a 5 year housing supply. As such it is even more critical that the council is able to maximise the delivery of residential (C3) accommodation on the sites specifically allocated for housing.

6.102. C3 Residential Use

Twenty affordable residential units, including eight 1-bed apartments and twelve 2- bed apartments are proposed. The principle of an element of housing on the site is supported by City Plan policy CP3.5 and would make a contribution to the city's overall housing target as set out in City Plan policy CP1. The site is also part of the Melbourne Street/Enterprise Point area which is included in the 2017 SHLAA update for an indicative number of 80 residential units.

6.103. As stated above, the provision of PBSA in lieu of C3 housing on the site is not supported. If design analysis indicates that the site is capable of accommodating a greater quantum of residential accommodation than the proposed 20 units, policy CP3 expects that accommodation to take the form of C3 housing.

6.104. Affordable Housing

Policy CP3 sets out that any housing accepted on employment sites should be in accordance with City Plan policy CP20 and the Affordable Housing Brief. Policy CP20 requires 40% of the units to be affordable on sites of 15 or more dwellings. It is welcomed that the C3 residential element of the proposed scheme would be 100% affordable. It should be noted that the PBSA element of scheme therefore make no contribution towards the city's affordable housing requirements.

6.105. Housing Mix

Regard should be had for City Plan policy CP19, the Affordable Housing Brief (December 2016) and the local characteristics of the area when designing the mix of unit sizes / bedrooms. For a standard housing scheme a mix of flat

sizes (1, 2 and 3 bed) would be expected, however the proposal is predominantly single occupancy PBSA units and does not provide a satisfactory mix of residential units in accordance with this policy.

- 6.106. Policy H3 in the draft City Plan Part 2 relates specifically to Purpose Built Student Accommodation) which was subject to public consultation from July – September 2018. This policy sets out that in PBSA the majority of the units should be arranged as cluster flats (rather than 100% studios as proposed). Whilst this policy currently has no weight it does show the council's direction of travel and preference for an appropriate mix of PBSA unit types to allow for more affordable options for potential residents.
- 6.107. Open Space
Policy CP16 Open Space, Part 2, requires new development to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates, in line with the standards set out in the policy supporting text. Where this cannot be provided on site, the open space Ready Reckoner should be used to determine an appropriate off-site financial contribution.
- 6.108. Waste Management
Policy WMP3d of the Waste and Minerals Plan (WMP) requires development proposals to minimise and manage waste produced during construction demolition and excavation. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy.
- 6.109. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.

Updated comments:

- 6.110. Recommend refusal due to conflict with City Plan Policies CP3 and CP21.
- 6.111. These comments should be read in conjunction with previous policy comments relating to this scheme dated 19 October 2019. These further comments are made in response to additional information submitted by the applicant in January 2019.
- 6.112. The applicant makes a number of points which will be addressed in turn:
- *The revised Planning Practice Guidance Note has elevated the status of PBSA in the calculation of housing completions, this has fundamentally changed the approach required to evaluate compliance under Policy CP21 when applying criterion 7 for SHLAA allocated sites.*

- 6.113. The city's current planned housing requirement as set out in the adopted City Plan Part One is for 13,200 additional new dwellings. This is set against an 'objectively assessed housing need' for around 30,000 new homes. The planned housing requirement is therefore considerably less than we are likely to need in overall terms over the period to 2030 – but given the city's constrained nature the 13,200 figure was accepted as a minimum to plan for.
- 6.114. These figures reflect the city's need for general needs housing and did not include any allowance for student accommodation or other types of 'institutional' accommodation which has always been considered separately. To date, therefore, the standard approach for assessing the city's housing land supply position (the demonstration of an annual five year housing land supply) has been not to include student accommodation on the supply side – because it has not been included on the demand side.
- 6.115. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 6.116. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 6.117. The applicant references current NPPG guidance which states that "All student accommodation... can be included towards the housing requirement, **based on the amount of accommodation it releases in the housing market.**" (Emphasis added). The thrust of this guidance is not new, and the NPPG has stated that for many years that student housing can be counted in overall housing figures in circumstances where it can be demonstrated that the provision of PBSA would lead to the release of existing housing into the wider, non-student, housing market. Indeed this issue was considered during the appeal into an earlier proposal for PBSA in the city in 2014, where a similar argument was made by the applicant for that scheme, but the inspector found that "there is no evidence or mechanism before me which indicates that the proposed development would result in the conversion of student HMOs to family housing".

- 6.118. The NPPG guidance has now evolved by specifying the calculations that should be undertaken to establish the effective contribution towards the housing supply if this scenario applies. Case law exists with regard to this issue, where it was found that the inclusion of PBSA in the housing supply considerations is not appropriate in all circumstances and should be determined by evidence on a case-by-case basis based upon clear evidence that accommodation in the private rented sector would be freed up.
- 6.119. No such evidence has been presented by the applicant to demonstrate that the proposed development would directly lead to the freeing up of accommodation in the private rented sector and it cannot be assumed that a release of accommodation currently accommodated by students into the wider housing market would occur.
- 6.120. The applicant also states that the site is not a strategic residential allocation, and only falls under criterion 7 because of its inclusion in the Council's Strategic Housing Land Availability Assessment (SHLAA). This is incorrect. The site is specifically allocated for residential and employment mixed use development through City Plan Policy CP3.
- *Need for Purpose Built Student Accommodation (PBSA) in Brighton & Hove*
- 6.121. The applicant states that the 'need' for PBSA within the city remains 'undiminished' and quotes paragraph 2.66 of the Draft City Plan Part 2 as evidence to support this. The applicant also quotes from a report that was submitted in support of the Preston Barracks development, and which states there is a "need for an additional circa 4000 bedspaces in PBSA in the city by 2020".
- 6.122. Paragraph 2.66 does not make assertions on a quantitative 'need' for PBSA, rather it states that the provision of PBSA in the city is less than the number of students requiring accommodation. This is a common situation throughout the country and it is not expected that there would ever be sufficient purpose built accommodation provided to accommodate all students in this way. Nor would it be expected that all students requiring accommodation would wish to live in dedicated student developments. Use of the word 'need' in this way should therefore be treated with caution. The existing student cohort is currently accommodated and can be expected to be self-replacing in that existing accommodation. There is not a 'need' for new accommodation for the existing cohort in a numerical sense (assuming that all those who currently require somewhere to live can find somewhere, be that in PBSA, HMO or other private sector housing), although there may be demand for additional PBSA due to student preferences. Student populations are expected to consolidate in forthcoming years and therefore demand for accommodation is unlikely to change.
- 6.123. The 'need' for PBSA predominantly stems from a desire to accommodate the existing student cohort differently, in effect shifting an existing population in the city into a different form of accommodation. It is not responding to an

increased demand for accommodation, for example in the manner of the objectively assessed need for C3 housing. There is no strategic target for the provision of PBSA bedspaces in either City Plan Part One, or the draft City Plan Part Two.

6.124. Notwithstanding this, it is a strategic objective of the Council to accommodate a greater number of students in PBSA with the aim of reducing pressure on the general housing stock. The planning policy framework is intended to achieve this through the provision of a criteria based policy and a number of site allocations which is intended to allow the stock of PBSA to increase in a sustainable way.

6.125. The applicant makes a further point asserting that Brighton & Hove is unusual in not seeing the proliferation of PBSA that other university cities have seen. This is most likely reflective of the very significant constraints facing the city which inhibit its ability to meet the full demand for many types of new development. It is not an issue solely facing the provision of PBSA, and it would not be in keeping with the aim of promoting sustainable, balanced communities (see City Plan Part One Policy SA6 and Policy CP19) to support the provision of PBSA to meet the full potential demand at the expense of other types of development for which there is a pressing need. A balance must be struck, and that is the intention of criterion 7 of Policy CP21.

- Enterprise Point – Site Specific Material Considerations

6.126. The applicant sets out how a sequential test process has been undertaken which led to the identification of the application site “*as the only site capable of delivering PBSA at scale (as part of a broader mixed-use scheme) in a sustainable and accessible location within the DA3 Lewes Road Academic Corridor.*”

6.127. It is not considered that the applicant’s preference for this site is sufficient justification for an exception to policy to be made. It should also be noted that the Falmer Retained Land site, which has support through City Plan Policy DA3 for a number of uses including PBSA was not considered in the process.

6.128. **Private Sector Housing:** Initial comments. No comments to be made.

6.129. Revised comments: It has been identified that the acoustic assessment suggests that windows will need to remain closed to meet recommended noise levels. Should this be necessary then it raises concerns about excessive heat should the air conditioning not accordance with the Housing Health and Safety Rating System under the Housing Act 2004.

6.130. **Public Art:** Initial Comment

6.131. To make sure that the requirements of City Plan Part 1 policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in a section 106 agreement.

6.132. It is suggested that the Artistic Component element for this application is to the value of £100,000 to be secured via a section 106 agreement with standard wording in the schedule.

Revised comments:

6.133. It is suggested that the Artistic Component element for this application is to the value of **£97,000**. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

6.134. **Sustainability Team:** Comment

6.135. Due to the lack of information provided in the application, a condition should be applied requiring a BREEAM Design Stage certificate demonstrating BREEAM Excellent can be achieved. This is in addition to the standard Post Construction certification typically applied.

- Pre-app advice was provided however, there is no information at all on most of the BREEAM requirements – the applicants only appear to have looked at the Energy part
- Information that is provided in supplementary documents contradicts the planning statement (notably around green roofs and solar PV – two key areas of BREEAM).
- No mention is made of the primary heating mechanism for the building (e.g. gas fired boilers)

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and minerals Sites Plan (adopted February 2017)

7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (adopted March 2016)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP18	Healthy city
CP19	Housing mix
CP20	Affordable Housing
CP21	Student housing and Housing in Multiple Occupation

Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

Supplementary Planning Guidance:

- SPGBH 9 A guide to residential developers on the provision of recreational space
SPGBH15 Tall Buildings

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the proposed development on the visual amenities of the site and surrounding area. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, and sustainability impacts must also be assessed.

Principle of Development:

- 9.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 9.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.4. Purpose-built student accommodation does not fall within the NPPF's definition of affordable housing but paragraph 61 sets out the national policy requirement for the provision of accommodation needed for different groups in the community which includes student accommodation.

Planning Policy

- 9.5. The site is within the Lewes Road Development Area under policy DA3 and has been specifically identified as part of a protected employment site under City Plan policy CP3 (Employment) which seeks to safeguard sites suitable for job creation and modern business. The site is specifically allocated under policy CP3(4) site which in order to secure modern flexible employment floorspace will allow employment led (employment and residential) mixed use development.

- 9.6. In respect of the employment use proposed this would result in the loss of a significant amount of employment floorspace compared to the current provision. The applicants have sought to address the criteria set out in paragraph 4.36 of policy CP3 which sets out factors to be taken into account in considering a net loss of employment. Some of these factors are applicable to the current premises such as the quality of the employment accommodation and access which would be greatly improved compared with the current building. The planning policy team have also referred to other criteria addressed such as the density of employment and have accepted that the employment floorspace proposed would be acceptable. The provision of modern new flexible employment floorspace for short term lets has also been supported by the Economic Development team although it regrets the loss of 2,919 sq. m of employment floorspace (just more than half of the total floorspace on site). The opportunities for entrepreneurship of graduates in the employment space are also welcomed by the economic development team.
- 9.7. The viability assessment submitted with the application tested a redevelopment scenario providing solely office floorspace and alternatively solely industrial floorspace with no housing provision. The viability assessment concluded that neither an office nor industrial development would be commercially viable however policy CP3 does not require a solely employment development.
- 9.8. The proposal does include 24 affordable residential units which is welcomed however it is considered that the site is capable of accommodating a greater quantum of residential accommodation than 24 units. The site is also part of the Melbourne Street/Enterprise Point area included in the SHLAA for an indicative number of 80 units which would yield an affordable housing requirement. Although the PBSA provision is in addition to the element of affordable housing, as stated by the policy team, if additional residential accommodation is provided in excess of this then “....policy CP3 expects that accommodation to take the form of C3 housing”.
- 9.9. The applicants have also undertaken a sequential test approach to identifying alternative sites that could be available to demonstrate that this is the only site capable of delivering PBSA at scale in a sustainable location within the DA3 corridor. The policy team noted that the Falmer Retained Land which is supported for a variety of uses including PBSA in the City Plan Part One under policy DA3 has been omitted from the study. Notwithstanding, this sequential approach adopted by the applicants to justify a PBSA development is not recognised in policy guidance as a means to justify an exception to a site allocation which includes housing. The applicants have clearly stated that the scale of the proposed PBSA element which was initially 350 units fits VITA’s business model adopted across the country and has led to the unsuitability (in its opinion) of a number of sites in the city as being too small or unavailable and therefore PBSA on this site can be justified in the applicant’s submission.
- 9.10. In support of the provision of PBSA in this scheme, the applicants refer to National Planning Practice Guidance which states that PBSA can be included in a calculation of housing completions. This guidance is not new but the more

recent guidance (September 2018) now provides the specific formula to be used to allow a comparison to be made between housing numbers and student accommodation units if such a scenario existed. However, the inclusion of PBSA in the housing supply considerations is not appropriate in all circumstances. Clear evidence is required that the proposed development would directly lead to accommodation in the private rented sector being freed up. The LPA is not aware of evidence which would indicate this to be the case at the current time and no such evidence has been presented by the applicant. Therefore it cannot be assumed that a release of accommodation currently accommodated by students into the wider housing market would occur.

- 9.11. The latest SHLAA update (February 2019) released during consideration of this application now shows that housing delivery in the city in the past 3 years has been less than 80% of the City Plan requirement. Therefore, as referred to in the Policy Team's comments, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. This policy coupled with section 38(6) of the Planning and Compensation Act 2004 which requires regard to be had to the development plan and determination must be made in accordance with the plan unless other material considerations indicate otherwise leads to the view that the site allocation under City Plan Part 1 policy CP3.4 should prevail.
- 9.12. Another strand of the applicant's case is that by providing PBSA, the development would assist in meeting a 'need' for PBSA which remains 'undiminished' and they quote a report submitted by the applicants of the Preston Barracks development in its support citing that there was a need for 4,000 PBSA bedspaces by 2020 in the city. The planning policy advice is to treat such expressions of 'need' with caution, as it largely stems from a desire to accommodate the existing cohort of students in the city differently and was commissioned to support to support a proposal including PBSA. PBSA is not responding to an increased demand that has been objectively assessed as it has for class C3 housing and no strategic target has been set in either the City Plan Part One or the draft City Plan Part Two. It is acknowledged there is likely to be a significant unfulfilled *demand* (as opposed to need) for PBSA and it is a strategic objective of the Council to support a sustainable increase in PBSA provision in order to accommodate a greater number of students with the aim of reducing pressure on the general housing stock. However the very significant constraints facing the city which inhibit its ability to meet the full demand for many types of new development mean this is not an issue solely facing the provision of PBSA, and it would not be in keeping with the aim of promoting sustainable, balanced communities to support the provision of sites allocated for other uses for which there is a pressing need.
- 9.13. Policy CP21 of the City Plan encourages PBSA subject to 7 criteria. The criteria relate to amenity issues for adjoining residents, high density developments being compatible with the existing townscape, its location on a sustainable transport corridor, the impact on local on-street parking, a safe and secure design and demonstrating that they have entered into an agreement with one of the city's universities or educational establishments. Criteria 7 states that the site should not have an extant consent, be allocated

for housing or be a site identified as having potential for housing in the latest SHLAA. The proposal would not meet these criteria.

Design and Appearance

- 9.14. The Design and Access Statement submitted with the application identified the site constraints and set out the options appraisal for accommodating the development on the site.
- 9.15. City Plan policy CP12 expects developments to raise the standard of design in the City and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods. It also expects developments to protect or enhance strategic views into, out of and within the city.
- 9.16. Context
The site context is mixed in character. To the east is a neighbourhood characterised by small scale low rise late Victorian dwellings typical of development in the Hanover and Elm Grove ward extending up the side of the valley. The dwellings on Shanklin Road comprise part 2/3 storey terraced dwellings built into the slope facing directly onto the site with compact rear gardens. Opposite the north east corner of the site is 29 Shanklin Road, a former dye works building was converted into 19 flats and studios in the late 1990's. The west flank of this building has its original windows facing directly onto the application site on the boundary itself. Some of these flats have a single aspect onto the current open car park of the site whilst others face north onto the cemetery or front Shanklin Road. Some corner units have both west and south west facing windows on the splay.
- 9.17. To the north, the main constraint is the historic Woodvale Cemetery gardens featuring a large mature tree belt which overhangs the site. Viaduct Lofts, opposite the site on Melbourne Street is part 3, 4 and 7 storeys. Some of the flats face east to the site and have balconies. Viaduct Lofts was built in 2012 on the site of a former builder's yard having been allowed on appeal. The remainder of the character of Melbourne Street south of the site features small scale two storey Victorian terraced dwellings.
- 9.18. A significant constraint further to the west rising up the west side of the Lewes Road valley is the Round Hill Conservation Area. The scale, height and proposed materials of the proposed development have been required to take account of the setting of the conservation area from within the Round Hill area and in longer views across the valley from east of the site.
- 9.19. The south boundary of the site adjoins the playground of St Martin's Primary School but the school buildings are set back further to the south, accessed from Hartington Road. One other adjoining building to the south is Gladstone Court, a 4 storey late 20th century residential block of flats which has an east-west outlook.
- 9.20. Footprint

Historically the site was occupied by the railway viaduct on the line which served Kemp Town. The proposed development would increase the footprint of development significantly on site by developing close to the north, west and east site boundaries leaving some open space to the south. The proposed development of the northern parking area is one of the key differences compared to the expired planning consent BH2013/ which included redevelopment of nos16-18 but retained the space adjacent to the woodland.

Appearance and materials

- 9.21. The proposed design of the building and its appearance and choice of materials would be contemporary. Following comments from officers, the bronze cladding was considered to be too bold for this context in the setting of the conservation area and the natural landscape of the crematorium woodland setting. The use of lighter coloured cladding would, it is considered, blend in better with the general palette of materials in the townscape provided by the rendered residential terraces.
- 9.22. The elevations provide articulation with deep reveals and strong parapet lines to frame the different elements of the blocks. There would be a clear vertical emphasis to the elevations achieved, for example, by combining projecting window surrounds across two floors on the north elevation. The use of framing and deep reveals would enhance the articulation of the elevations in a satisfactory manner.
- 9.23. The north facing block onto Woodvale cemetery would be in a pale fibre cement cladding system mixing sandblasted and ribbed facing effects for visual interest. This elevation would be the least visible in the development and is screened by the tree belt particularly in summer. The west and east wings would be in a light coloured brick facing Melbourne Street and Shanklin Road properties with chamfered metal clad reveals. The lower floors of the student block facing Melbourne Street and the courtyard would be in a fully glazed system affording views into the main activity areas of the business space and student hub.
- 9.24. The west facing gable would feature a perforated metal cladding system within which a themed graphic image is proposed to reflect the historic links with the railway viaduct. The east facing cladding of the north block would be perforated metal in a more simple design. Articulation would be provided by windows and dummy windows with reveals in a less regulated pattern whilst the cladding would lighten in colour on the upper floors to assimilate better into the background of the conservation area.
- 9.25. It is considered that the choice of materials and the overall appearance of the façade treatments with a variety of articulation and colour palette would provide a good quality design to the proposals and would help to mitigate the significant scale and massing of the development, its impact in the streetscene and the wider townscape.
- 9.26. Townscape

During consideration of the application, the applicants have reduced the height of the north and west blocks by a storey to 8 and 7 storeys respectively in seeking to overcome concerns about the impact on the setting of the conservation area.

- 9.27. Concerns were raised by officers including the Heritage officer about the impact of the student block in particular on the setting of the Round Hill Conservation Area as a heritage asset. The view from the higher end of Shanklin Road provides a view across the valley in which the profile of the round hill itself can clearly be seen, featuring the characteristic sweeping curves of terraces of houses broken up by green ribbons of mature trees and soft landscaping. This is highlighted in the Heritage officer's initial comments. The submitted scheme would have intruded significantly into this view with the large horizontal profile of the north block obscuring a substantial proportion of the landscape setting of the conservation area.
- 9.28. The changes to the north block would now integrate the block more into the context of Shanklin Road and the backdrop of the conservation area in terms of the predominant colour and tone of the built up area. From the key viewpoint selected (View 5) on Shanklin Road, one storey of the north block would be seen in the corner of the view obscuring Viaduct Lofts. The removal of the 8th floor of the west block would reduce the extent of the conservation area that would be obscured compared to the original submission. The articulation of this east elevation would also feature punched or recessed windows which would better reflect the proportions of dwellings in Shanklin Road than the bronze cladding and larger glazed areas initially proposed.
- 9.29. The Heritage officer is now satisfied that the reduction in height has satisfactorily addressed previous concerns about the impact of the height, bulk and roofline of the proposed development towards the Round Hill Conservation Area in View 5 and would not interrupt the curves of the terraces whilst the change in materials would be more sympathetic to the pale stucco terraces and their ordered fenestration. It is considered that from this perspective, the proposed development would preserve the setting of the listed buildings in Round Hill Crescent and consequently the setting of the conservation area and would comply with retained policies HE3 and HE6 of the Brighton and Hove Local Plan.
- 9.30. In views *from* the conservation area (Viewpoint 7), the initial proposals would have appeared as an excessively large and obtrusive feature in the backdrop. The proposed bronze cladding would have accentuated the scale visually drawing more attention to its bulk and massing. The setting from within the conservation area is enhanced by its outlook to the higher parts of the valley slopes and the vegetation rising up the historic crematorium gardens and to the ridge of the hill. The ridge and skyline would have been wholly obscured by the initial proposals as would glimpses of the characteristic small scale terraced housing above the application site. The reduction in storey heights of the north and west blocks of the development would reduce its impact and help to integrate it more satisfactorily with the existing heights and marginally more restrained massing of the current building and Viaduct Lofts.

Consequently the longer views of the greenery of the valley slope, the smaller scale settlement and the ridge would also be retained.

- 9.31. The lighter coloured cladding on the west flank of the north block would be more sympathetic to the general palette of colour in this townscape view. The perforated cladding would also add visual interest to this view. The Heritage Officer has commented that the proposals when viewed from the conservation area would now retain a sufficient view of the green backdrop to be acceptable and would not encroach on the horizon line of the tree canopy. It is therefore considered that the reduced scale and more sympathetic cladding and fenestration of the proposal would not be harmful to this backdrop of this important viewpoint and would be visually sympathetic to the historic context and would comply with retained policies HE3 and HE6 of the Brighton and Hove Local Plan.
- 9.32. **Massing**
The current mid 20th century Enterprise Point building has a large footprint centred in the middle of the site but it does provide a larger open area around 3 sides of the site which mitigates its height and impact on the urban form and its neighbours. The exception is the east side of the site where the building line is much closer to the east boundary. The proposed building would bring the building line closer to the north and west boundaries than the existing building whilst maintaining similar proximity to the east boundary. The southern part of the site would retain some open space with the courtyard and access arrangements.
- 9.33. Viaduct Lofts at 7 storeys maximum does step down in height along its north and east frontages to reflect the more domestic scale in the streetscene particularly on Melbourne Street and this also has the effect of reducing its bulk in townscape views.
- 9.34. The proposed development would have a more substantial impact on the character of the generally small scale Melbourne Street streetscene being part 8 and 6 storeys on the west facade. There would be some mitigation with the set back of 4 metres from the site boundary which contrasts with Viaduct Lofts built tight to the back edge of the footway and a further setback to the upper floors. The profile of the scheme at the upper floors has also been simplified to minimise setbacks and awkward corners. In addition the whole west façade above the ground and first floors was angled away in to be parallel to the street frontage and to minimise the overhang of the upper storeys. This has contributed to mitigating the scale of the proposal and would strengthen the horizontal lines of the canopy profile which line up with the profile of the terrace houses to the south. It is, notwithstanding, a substantial scheme in this Melbourne Street context.
- 9.35. Viewpoint 1 from the corner of south and east sections of Melbourne Street illustrates this in the context of the terraced houses. Viewed from a few metres east looking directly north, Viaduct Lofts would come into the view as well and the contrast in scale is lessened. The proposed 6 storey west block is set back a further 5 metres from the site frontage than the ground and first floors which

would help to alleviate the impact of the scale and massing in the streetscene. In comparison to the approved (expired) scheme, the height and bulk of the main building would be greater by having an additional storey and the step down to the site frontage would be less gradual, that scheme also included a 5 storey block on 16-18 Melbourne Street. The total volume of built form in the view may not be dissimilar and the impact overall is considered to be minor adverse.

- 9.36. Viewed from the Lewes Road east along Melbourne Street, the proposed 8 storey element featuring the main entrance would provide a strong focal point in this vista as it is nearer to the site frontage than the current building. The amended height helps the building sit more comfortably in the context of the height of Viaduct Lofts in the foreground and as a replacement for the current 6 storey building on site. In views from the Vogue Gyrotory (Viewpoint 6 of the Townscape Visual Impact), whilst the impact is substantial due to its greater prominence than the existing building, the reduction by a storey and the change in materials would mean that in this view, the appearance of the building and its improved integration into the scale and profile of development established by Viaduct Lofts would not have a harmful impact in the townscape or streetscene.

Impact on Amenity

Residential Accommodation Standard of Accommodation/Privacy Issues

- 9.37. The proposed residential units revisions are proposed as a mix of 12 x 1 bed units (suitable for 1 person) and 12 x 2 bed (3 person) units arranged as 6 units per floor. The unit sizes would comply with the government's Nationally Described Space Standard (March 2015) for these type of units which are 39 sqm. for a 1 bed/1 person unit and 61 sqm. for a 2 bed/3 person unit. The proposed units would be respectively 45 sqm. and 62 sqm. which is satisfactory. All of the residential units would be single aspect with the 2 bedroom units having a west facing aspect and the one bedroom units, an east facing aspect.
- 9.38. The units are served by a lift and would have ground floor cycle storage. The original proposals included balconies to the upper floors on the front and rear elevations but it was considered that there would have been an unacceptable impact on neighbouring residents due to loss of privacy as a result of the proximity of facing windows to Shanklin Road dwellings. The revised proposals would provide Juliette balconies on the west facing elevations only to those flats which face the access route to the block and the school playground area. The current building as a place of work has large windows which overlook the school at present. A proposal providing living accommodation may reduce the perception of overlooking when the school is open as there would be less of an overlap in times of the day when they school and accommodation are in use. There would be no privacy issues in the relationship with the school is considered.

- 9.39. In respect of the housing block on the east flank, the approved scheme in 2014 produced a similar arrangement but each flat had a dual aspect so that the lounges all faced west. This reduced privacy issues and only bedroom windows were required to have angled windows. Most of the proposed flats would have a single aspect, west or east with living rooms and bedrooms facing neighbouring dwellings. On the east elevation of the block of flats, the applicant has now proposed angled windows at the rear to the one bedroom units to mitigate the privacy issues. The east facing bedrooms and lounges would each have a projecting triangulated bay with a window so that an oblique view of the dwellings opposite would result. Each living room window would have a broad central mullion designed to partially obscure direct views opposite as it would be unsatisfactory to allow any outlook from a living room with an angled window.
- 9.40. The angled bay windows to the bedrooms would have a solid north east facing section with glazing on the south east facing section only. In section the separating distance between the proposed 2nd and 3rd floor windows and the rear of nos.15 and 17, for example, would be 14 metres to the main rear façade and 12 metres to the outrigger. This would not, it is considered, be unacceptable in an urban context. The windows to the proposed ground and first floor flats would be facing the landscaped embankment and the retaining garden walls to Shanklin Road dwellings above and there would be no privacy issues to existing neighbours. It is considered that the loss of privacy between upper floors of facing dwellings would not be so significant as to justify refusal against policy QD27 of the Brighton and Hove Local Plan.
- 9.41. The student accommodation has been designed as studios of various sizes. The vast majority (200) would have an internal floor area of 16 sqm which is considered by officers to be the minimum acceptable area for a self-contained *student* studio where there are no communal kitchen/lounges available on the same floor. This is comparable to other approved PBSA developments. There would be 95 studios with larger internal floor areas of 20 sqm. and 35 studios of 26 sqm. This would provide an acceptable range of studio sizes.
- 9.42. Daylight/Sunlight/Outlook
The applicants have carried out a daylight/sunlight assessment of neighbouring developments which take account of the impact on neighbouring residents in Shanklin Road, Viaduct Lofts and dwellings in Melbourne Street as well as Gladstone Court, Hartington Road and St Martins Primary School to the south. The assessment has also included the natural daylight levels to the proposed student rooms and dwelling units in the affordable block. It has not however assessed sunlight levels to proposed outdoor amenity space. The assessment has been peer reviewed by the Building Research Establishment (BRE) for the planning authority.
- 9.43. Shanklin Road
The existing main building on site is 6 storeys in height and its upper floors currently dominate the outlook of most of the rear of dwellings in Shanklin Road opposite. Currently Nos 11, 13 and 15 do, however, enjoy an uninterrupted outlook from their rear windows between Enterprise Point and

Gladstone Court whilst No.17 has a partially obscured outlook. West facing windows in No 29 Shanklin Road at the north end of the terrace currently have no obstructions affecting their outlook to the parking area whilst some units have south west facing windows on the south west splay of the building which face the current building. The north building line would be a maximum of 9 metres from the boundary compared to 21.5m at present.

- 9.44. No.27 faces onto the current building with a separating distance of 18.5 metres but currently benefits from an indirect outlook to the north west onto the car park aided by the splayed corner of No.29. The tallest 8 storey north block of student accommodation would directly face onto more than half of the rear façade of 29 Shanklin Road with a separating distance of 12 metres. Due to the rising land levels, the outlook of the occupiers would appear as a 7 storey façade. The height of the proposed block and its proximity to the rear of these two properties would have an overbearing and unneighbourly impact on them resulting in an unacceptable loss of outlook. No.29 would be the worst affected due to the degree of change in its outlook and its closer proximity to the block proposed. The outlook of the rear of 29 Shanklin Road would also be further compromised due to its relationship with the large mature tree belt on the north boundary.
- 9.45. It should be noted that the approved scheme in 2014 did not propose development north of the existing building on the car park and so Nos. 29 and 27 would have been unaffected by these amenity issues.
- 9.46. The proposed affordable housing block would be 5 storeys in height and its southern half would be built between the current gap opposite nos. 11 – 17 Shanklin Road between Enterprise Point and Gladstone Court. The northern half of the block would be sited in place of the demolished Enterprise Point building but would be 4 metres lower than the existing parapet line and the linking part of the housing block would be a further 0.75m lower. However, further north of the site, the 7 storey east (student) block would be 1.5m higher than the existing building facing the rear of nos. 23-27 (odd) Shanklin Road.
- 9.47. The results of the daylight assessment demonstrate that the existing dwellings that would be most affected on the east side of the development by loss of daylight would be flats and studios in no.29 Shanklin Road particularly at ground and first floors. The units in the centre are studios at ground and first are studios with a single aspect outlook facing west directly onto the development. The impacts on windows at No.29 are considered to range from minor to major adverse by the BRE. The worst affected are at lower floors directly opposite the proposed façade. Overall of those facing the development, fifteen different windows serving thirteen different rooms would be outside the BRE guidelines. The reduction in daylight levels measured by Vertical Sky Component (VSC) from current levels at 29-33% to 16-19% would be significantly below the BRE guidance of a percentage loss of no more than 20% and below the resultant 27% VSC level. Whilst some daylight loss could be expected as the windows are sited on the boundary and are large, daylight to these windows is currently restricted by the very tall and dense belt of trees. In winter the daylight levels were observed to be attenuated and in summer

the impact would have a similar effect to a very high wall as reported by the BRE. The applicants have acknowledged that the trees would have an impact on daylight levels but point out that in winter when daylight is more precious, these deciduous trees would allow more light in when not in leaf. No27 Shanklin Road, which is sub-divided into flats, would also be affected by a loss of daylight to 4 windows on its lowest floor (3 serving one room) which the BRE have assessed as a minor adverse impact.

- 9.48. Nos. 7-25 Shanklin Road would be less affected by daylight losses with some minor adverse impacts on two rooms at nos. 15 and 25. Loss of sunlight to windows would not be an issue since the rear of this terrace faces north of due west. There are some dwellings which would receive a very small gain in daylight levels to *some* windows which are nos.13-21 Shanklin Road. Nos.19 and 21 would have more windows that benefitted than not but the gains are generally minimal between 0-2 % VSC or a 0-3% increase whilst two windows lose 5-6%. There could be some small gardens to the rear of 13 – 27 Shanklin Road which could be affected by loss of sunlight but the applicants have not formally analysed this as recommended by the BRE.
- 9.49. Viaduct Lofts
East facing windows in Viaduct Lofts would be affected by the proposed development due to the proposed development being opposite the 7 storey element of the building. The BRE advised that the layouts of the flats on 6 floors above ground floor had been incorrectly modelled by room types by mistaking lounges for bedrooms. The balconies had not been modelled either which, the BRE advise, do affect the existing daylight levels to windows below, before the impact of the proposed development is factored in. As recommended by the BRE that modelling has been done with and without balconies identifying the correct rooms.
- 9.50. The BRE consider that there would be a major adverse impact to four windows on the ground floor of Viaduct Lofts facing the development and significant losses to windows on the first, second and third floor patio doors and adjacent windows at the south end of the façade.
- 9.51. The BRE confirm that taking account of balconies, the numbers of windows not meeting the guidance are similar with one additional window not meeting the daylight guidance and two more rooms not meeting the sunlight guidance. The daylight distribution is the same. For windows under balconies up to the 4th floor on the left side of the tower, daylight losses would be outside the BRE guidance. For the lower floors the impact is assessed as major adverse by the BRE and for the upper floor rooms with secondary windows: minor adverse. Except for the ground floor the windows serve lounges. All except one of the rooms meet the sunlight guidance.
- 9.52. For windows under balconies, on the right hand side of the tower, loss of daylight to lounge windows would be more severe. There would also be significant losses of sunlight outside of the guidance on all floors up to 5th floor in the north east corner of Viaduct Lofts. The BRE assess the loss of daylight to major adverse as the residual daylight would be very low.

- 9.53. With balconies, the applicants state that 65% of windows would meet the guidance for VSC daylight levels and without balconies, 67% would meet the guidance. The applicant considers that since most of the rooms are bedrooms and the 4 lounge/kitchen/diners (LKD's) have deep floorplates, the guidance should be applied more flexibly.
- 9.54. The applicants have sought to justify the low level of compliance by comparison with the redevelopment of a site in Hollingdean Road for student housing which was approved in 2015 (BH2014/01637). They have stated that 'no rooms to 6 properties on Hollingdean Road would meet the No Skyline daylight distribution targets and quoted losses of 80-97% to 3% and one room would be left with no view of the sky. These results have been misinterpreted and the BRE confirm that the relative loss was 3% and no rooms would be left without view of the sky.
- 9.55. The applicants have also drawn comparisons with the Former Wholesale Market, Circus Street development on a key strategic site in the City approved in 2014 (BH2013/03461) where a significant number of adjoining windows had a resultant loss of daylight outside BRE guidelines. In that application, the loss of daylight was acknowledged by the planning authority as being unacceptable in a number of cases but it also had to be acknowledged that the City Plan allocation and the development brief for the site could not have been achieved without impacting on the daylight of adjoining neighbours. The Circus Street development did conform to the City Plan which was a key consideration.
- 9.56. The applicants have also referred to an appeal decision in Tower Hamlets made in December 2018 which referred to the BRE Guidance which recognises that "in high density city centres, a higher degree of obstruction may be difficult to avoid if new developments are to match the height and proportions of existing buildings". The application site is not in the city centre and has a different contextual character where there are just two existing tall buildings, as defined in SPGBH15, on or adjoining the site; one on the application site to be demolished and the part 7 storey Viaduct Lofts opposite. As confirmed by the Heritage Officer, the site is also not in a tall building corridor as identified in SPGBH15 being located away from the Lewes Road. This proposal is to erect a taller (one extra storey) and proportionately larger scale of building than those currently adjoining the site. In the Tower Hamlets appeal, it is reported that the proposal was a 13 storey building in the context of 28 and 22 storey buildings built on their site boundaries.
- 9.57. Gladstone Court/St Martin's School
At Gladstone Court and St Martin's School there would be a small number of isolated minor adverse impacts to daylight but no impact on sunlight as the development is north of these buildings. Gladstone Court is orientated east-west with only minor windows on its north end thus it was anticipated that significant daylight issues would not arise from the redevelopment of this site. Likewise the school buildings are set well back from its north boundary and given the current height of buildings on the application site and relationship to

the boundary, daylight issues would be very limited by the site's redevelopment.

9.58. Proposed development

Daylight provision to the new development itself is stated as being poor overall by the BRE review. Of the 161 studio rooms analysed, 47 or 27% would not meet the minimum recommended average daylight factor (ADF) levels of 1.5. The BRE comment that there may be more studios which would fail if the tree belt had been taken into account. Of the 16 LKDs in the dwellings, 6 (37%) would not meet the recommended ADF levels of 2.0.

9.59. The applicants have compared the daylight levels for the proposed student rooms to an approved scheme at Hollingdean Road for student development stating that 71% of the communal kitchen diners met the guidance similar to its own pass rate. The percentage refers to a handful of LKD's where the analysis was carried out for the ground floor where the lowest daylight levels would be found. The proposed student accommodation has no LKDs since the rooms proposed are all studios so the comparison is not direct. However, the applicants have made no reference to the daylight levels to the 205 cluster rooms approved in Hollingdean Road of which 100% passed the ADF guidance very comfortably. No acknowledgement was given that the daylight results for the LKDs above ground floor would have been better. A subsequent S73 application (BH2016/05388) to amend the Hollingdean Road scheme relocated the LKDs to the south facing frontage into one larger combined LKD where the results would have been better and this scheme is now under construction.

9.60. Sunlight levels to the school playground have not been formally analysed but is unlikely to be significant as the proposed development is to the north.

9.61. Sunlight provision to windows is described as average by the BRE with around half the rooms facing north and receiving limited sun. No sunlight analysis has been carried out for the proposed amenity space for the development but is open to the south and would be expected to receive sufficient sunlight according to the BRE.

9.62. Amenity Space/OpenSpace and Recreation Provision

The proposals do not provide any on site or public open space. There would be a ground floor gym of 98 sqm. for use by the students (and potentially the business occupiers). This could off-set the indoor sports contributions required by the proposals in order to meet the requirements of City Plan policies CP16 (Open space) and CP17 (Sports Provision). The total contributions sought would be £382,361.14 for open space and outdoor recreation with an additional £74,088 for indoor sports. Broken down this would be:

£1512.46	Children's Play
£13,221.76	Amenity green space
£112,671.97	Outdoor sport and recreation
£164,907.79	Parks and Gardens
£73,876.32	Natural and Semi Natural

£16,170.84 Allotments
£ 74,088 Indoor sports

9.63. The application includes a gymnasium of 98 sqm. and it is considered that the contribution towards indoor sport could be deducted from the total. The total requirement would therefore be £382,361.14

9.64. Noise

In order to achieve appropriate noise levels in the student flats (BS 8233 recommends 35 dB $L_{Aeq,16hr}$ in the daytime and 30 dB $L_{Aeq,8hr}$ in the night time) which would require closed windows and alternative methods of ventilation for the following:

- All windows to student rooms on the west (outer – not courtyard) façade of the PBSA student accommodation block from 1st floor to 7th floor this is to mitigate road traffic noise (at levels 5 to 7) and mitigate car workshop noise
- All windows to student rooms on the north façade of the PBSA student accommodation block from 5th floor to 7th floor to mitigate road traffic noise.
- Potentially windows to student rooms at 7th floor level which overlook or are adjacent to the green roof where VRF condensing units are proposed i.e. if control of noise from the unit cannot be mitigated with local barriers and/or unit attenuation.
- All windows to habitable rooms at 4th floor of the west façade of the affordable housing flats (unless a discretionary 5 dB relaxation is exercised)

9.65. All other facades (i.e. facing into courtyard/ east facades/ lower levels) could have openable windows, unless non- acoustic considerations come into account. The Environmental Health Officer has no objections subject to the imposition of conditions requiring attenuation to keep plant noise levels at 5DB below background noise levels and sustainable acoustics to be installed to meet internal noise level standards of BS8233:2014 World Health organisation Guidelines. The Environmental Health Officer however would require windows to be openable however reflecting the concerns of the Private Sector Housing Team about overheating.

Sustainable Transport

9.66. The main issues for transport have been the service bay provision for deliveries at the front of the site, the pedestrian access to and from the site, vehicular access and cycle and the numbers of bays for disabled car parking.

9.67. Concerns were raised about the servicing arrangements at the front of the site and the poor pedestrian environment particularly around the northern section of Melbourne Street. The original proposals showed a long service bay at the frontage for deliveries, moving days and an access for 3 disabled parking spaces in the north west corner of the site. These three disabled bays have been redesigned to meet the required specifications and tracking paths

demonstrate that they are useable and the highway authority is now satisfied that they would be useable and would avoid overhanging the footway.

- 9.68. Transport officers sought enhancement of the public realm in front of the site by minimising servicing facilities and the number of accesses to them to avoid them dominating this section of footway. Concerns were also raised about the opportunities created for indiscriminate parking on the site frontage which could be addressed by providing planting. The revised plans now indicate the provision of separate entrance and exit points, the latter of which is shared with the pedestrian access to the housing. This would also enable occasional vehicle and emergency access. The service bay would be sited between the building line and a new continuous footway so that the footway would be approximately 16.5m in length between access and egress. The Highway Authority are satisfied with this arrangement subject to details under a S278 agreement.
- 9.69. Refuse collections for the student accommodation will be in the north of the site by reversing into the site or can be carried out on street if preferred by City Clean. Domestic waste would be collected from the main bin store close to the southern boundary.
- 9.70. The servicing facility would extend across most of the business space frontage and would be within the site itself and could accommodate a 4.6 tonne van and one other vehicle at the same time if necessary. Access would be physically controlled by means to be agreed and managed by staff of the student accommodation.
- 9.71. Aside from the disabled bays required, it is considered that car free development is acceptable in principle in this location as the site is in a Controlled Parking Zone (CPZ). A car free condition has been requested by the Highway Authority since a parking survey has not been carried out but the Council's data suggests a high uptake of parking permits so there should be no permits issued to students or residential occupiers.
- 9.72. The parking standards under SPD14 require a disabled parking bay for each wheelchair unit for the student accommodation. That would result in a requirement of 8 bays. In addition 2 disabled bays for the offices are required and one per accessible flat. Policy HO19 would require 3 wheelchair accessible flats to be provided in this affordable scheme (10%). It is understood that whilst the flats would be adaptable, the registered social landlord who has entered into an agreement with the applicants is not intending to accommodate occupiers needing a wheelchair unit. The applicants state that students requiring wheelchair units do not normally have a car in their experience.
- 9.73. The revised scheme would provide 4 disabled parking bays. In addition to the 3 bays in the north east corner, the highway authority considers that a 4th disabled bay could be located in front of the flats. The highway authority considers that a further 3 disabled bays could be accommodated on a request basis for tenants of the employment space on the southern amenity space

since the numbers of disabled bays proposed would fall short of SPD 14 requirements by 7 spaces. This would remove the useable amenity space provided on site for the business space if the bays were required. On this basis, the highway authority has no objections to the proposals.

- 9.74. The applicants have provided some details of the move in day management which will include use of the 2 parking bays at the front of the site. The students would be allocated time slots and assistance by staff with trolleys to unload vehicles rapidly and information would be provided on where to park locally following loading.
- 9.75. The highway authority are now satisfied with the 298 secure cycle parking spaces proposed together with 30 on site hire for students to be privately run. The bike stores would be located either within the building accessed on the north side or in a separate store in the north east of the site. 25% of spaces would comprise Sheffield stands and 75% Josta double stacking. 24 long stay cycle parking for the residents of the dwellings are provided in a ground floor store and 10 commercial spaces in the business space. The numbers would comply with SPD14 parking standards for cycles in terms of numbers.
- 9.76. A Framework Travel plan has been provided to promote the use of sustainable transport modes and reduce dependence on the car. The Travel Plan would also generate a requirement for sustainable transport measures to be funded by the applicant such as car club membership for 2 years and travel packs.
- 9.77. The proposed development would generate an increase in trip rates it is considered and the Highway Authority have sought a financial contribution towards sustainable transport measures including a location based deduction, of £33,000 to go towards cycle improvements on Melbourne Street and Lewes Road and bus stop facilities on the Lewes Road. The Transport Assessment estimates an additional 222 person trips compared to the current site if fully occupied but the reduction of the 80 space car park would reduce vehicle trips.
- 9.78. The main concern could be the future potential for competing demands between the needs of residents requiring disabled parking bays and amenity space should demand for the former materialise. The highway authority has not raised objections and would accept that it would not be possible to fully meet the parking standards in SPD14 on site.

Sustainability

- 9.79. The information provided by the applicant in support of the application is limited. A sustainability checklist has been submitted and an energy strategy which indicates that the development would meet the minimum requirement of BREEAM Excellent for energy performance with CHP and air source heat pumps. There is conflicting information about the use of photo voltaics (PV's) on the roof however the plans do not show any proposed PV's and the Energy Strategy states that it would not form part of the strategy. Similarly, green roofs are referred to in the planning statement and shown on the roof plans for the

projecting east and west blocks but not referred to in the sustainability assessment.

- 9.80. The proposed student building should achieve BREEAM Excellent and there are considered to be no reasons why the development could not achieve that. The proposed residential block should also be capable of meeting the energy and water saving requirements set out in City Plan policy CP8 of achieving a 19% carbon reduction energy performance against Part L of the Building Regulations and the 'optional' water saving targets of 110 litres per person in the Building Regulations. The proposed development should be capable of meeting these targets which could be conditioned by requiring a Design Stage Certificate prior to any construction and a Post Completion BREEAM certificate.
- 9.81. It has been confirmed that mechanical ventilation would be provided for the PBSA and affordable housing provision, which will provide background ventilation and boost ventilation.

Arboriculture/ Landscaping

- 9.82. The current site itself has a negligible amount of landscaping in existence however the woodland tree belt (mostly elm) in the cemetery on the north boundary outside of the site provides a significant backdrop of mature trees of high townscape value. There are some other isolated areas of vegetation around the perimeter of the site including 3 self-seeded (mainly sycamores) on the site boundaries as well as some vegetation which has grown over from Shanklin Road gardens.
- 9.83. As the proposed development would be built close to the boundaries on three sides, there would be limited opportunities for new planting particularly in areas where good light and sunlight would be available. On the north boundary, the scheme proposes some careful management of the tree crowns prior to construction works to allow scaffolding to be erected. The rising ground levels on the north part of the site would be maintained to avoid excavation and potential damage to tree roots except in the north east corner to provide the plant room. The root protection areas have been mapped and above ground floor level, the north building line would be 8-9 metres away from the boundary and would ensure that the building itself would avoid the rooting zone. No new planting is proposed as it would not establish.
- 9.84. On the east boundary all of the current tarmac/concrete hard surface areas would be broken up but as with the north side, there are limited opportunities for planting where the area receive limited sunlight and daylight. Planting of species suitable for dry shady areas are proposed on an embankment to be created between the development and Shanklin Road rear gardens.
- 9.85. The south side of the site has the most potential for planting facing south with no obstructions. The proposed courtyard however would be hard landscaped with a single large tree proposed in the middle of the courtyard. The courtyard would be approximately 14 x 10 metres and due to its modest size, further

substantial planting could cause loss of light and outlook to student rooms above ground floor. The remainder of the amenity space is required to be kept clear for emergency access and a turning head and or disabled parking spaces.

- 9.86. At the first floor roof terrace for the student occupiers, the wind assessment has identified that some tree planting for mitigating some of the impacts would be required. Trees of 4 metres in height are suggested which would be required to be planted in pots or troughs being above ground level.
- 9.87. A row of trees and climbing planting are proposed adjoining the school boundary but the landscape buffer initially proposed was considered to be too narrow at mainly 1.5 – 2.5m in width, in the arboriculturalist officer's opinion, to enable a substantive landscape scheme to mitigate the scale of the development proposed. The wind assessment also suggests trees reaching 8 metres in height could be planted along the southern boundary. The landscape buffer has been amended by providing a 4 metre buffer. This has been achieved by pulling back the ground and first floors of the employment and student hub space thus maintaining emergency access.
- 9.88. The existing high timber boarded fence would be replaced by a 3 metre high mesh fence similar to the existing fence currently fronting Melbourne Street. As seen from the south where the benefits of the proposed landscaping would be most appreciated in the streetscene, the mesh fence as illustrated in the Landscape Statement would appear as quite an opaque physical barrier thus limiting the amenity value of the tree planting and climbing plants unless they do reach the heights suggested by the applicants.
- 9.89. The applicants are proposing to provide new play facilities and playground markings within the school playground which is outside the red line boundary of the site application. The play facilities would include a small synthetic turf games area within the boundary of the school on the existing playground. No tree planting is proposed to add to the landscape benefits in the streetscene. The play areas would not be publically accessible and therefore could not contribute to the on or off site open space and recreation requirements generated by the proposal in accordance with City Plan policy CP16. It is not considered that the proposals within the school playground are neither required nor necessary to off-set any impact on the school of the development proposed and therefore are not a material consideration in assessing the application. The works would not be required by the planning authority as a condition or obligation if consent was granted and are a matter between the applicant and the school.
- 9.90. The western frontage would also be hard landscaped to provide servicing and loading zones with a small strip of planting proposed to provide 2 trees as indicated on the plans.
- 9.91. The proposals have identified the existing trees and would retain those trees which are the most important on the north boundary. There are no objections

to the removal of other low quality specimens that have self-seeded on the site.

- 9.92. The concerns about potential impacts of the development on the existing canopy and root system of the northern tree belt have been clarified to some extent regarding changes in levels and surfaces and any works to trees overhanging the site could be carefully managed under supervision and could be covered by a planning condition.
- 9.93. Policy QD16 of the retained local plan policies also require new tree and hedge planting as part of new proposals where feasible. Local Plan policy QD15 requires consideration to be given to spaces around the building early in the process in designing the landscaping including suitable open space provision. The landscape scheme has considered the optimum location for the amenity space to be sited which would be on the south side of the building, opposite the school playground to maximise opportunities for natural light and sunlight in the amenity areas at ground and first floor.
- 9.94. The landscaping statement indicates that the amenity space around the proposed building could comprise high quality paving as well as on the site frontage to enhance the public realm. The current building is surrounded by tarmac and concrete surfacing and has no landscape value at ground level. However, the proposed hard landscaped frontage would be 4 metres in front of the building line which is relatively narrow in proportion to the scale and height of the building on this frontage on this narrow Melbourne Street frontage and would only permit one or two trees to be planted.
- 9.95. The applicants have sought to utilise every available space within the curtilage of the scheme for landscaping however the extent and site coverage of the landscape proposals are disappointing due to the large footprint of the building and the need to accommodate parking bays, servicing zones and emergency access which would limit the opportunities for successful and substantive landscaping including planting to soften the development.
- 9.96. The later modifications to the southern end of the scheme to create a 4 metre planting strip would now however be a positive improvement and would enable more substantive planting on this side to be established. The arboriculturalist considers that the extent of landscaping on the north, west and east edges of the site would still be limited. Given the improved potential for landscaping on the south edge of the scheme, the arboriculturalist no longer objects to the proposals and subject to details of appropriate species and a management and maintenance regime the proposed landscaping can be accepted and that the requirements of Local Plan policy QD15 would be met.

Archaeology

- 9.97. The County Ecologist has not raised the likelihood of there being any archaeological remains on site so there would be no concerns about any impact on archaeological heritage.

Ecology/Biodiversity/Nature Conservation

- 9.98. The affordable housing block would have a green roof as would the roofs of the west and east student blocks but not the north block. The Ecologist supports the application subject to suitable mitigation being provided on and off site. The ecologist has requested that care should be taken when working around the existing tree belt to ensure its protection including the potential for existing bird or bat nests and care should be taken in consideration of light spillage onto the proposed onto the existing vegetation. The current site provides limited ecological value at present with the exception of the belt of trees which grow over the site from the cemetery land. The Ecologist has requested an Ecological Design Strategy to be provided as a condition of any consent.

Conclusion

- 9.99. The proposed development comprises mainly 330 studio units of purpose built student accommodation (PBSA) on a site which has been allocated under City Plan Part One Policy CP3 as a mixed employment and housing site. Whilst the proposal does include 24 affordable units as shared ownership tenure, it is considered that the site would not be fulfilling its potential as a housing site given that the indicative numbers of units in the SHLAA is for 80 units. Policy CP21 (Student Accommodation) states in criteria 7 that PBSA will not be supported on housing allocated for housing or with either an extant planning permission for residential development or sites identified as residential.
- 9.100. The council's priority is general needs housing particularly given the city cannot demonstrate a 5 year housing supply. As such it is critical that the council is able to maximise the delivery of residential (C3) accommodation on the sites specifically allocated for housing. The Government's Housing Delivery Test, published in February 2019, shows that delivery over the last 3 years has fallen short of the City Plan's annualised target and that a 20% buffer should applied to the five year housing figures. Increased weight should therefore be given to housing delivery as set out in City Plan policy CP1 and in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.101. It is not considered that the applicant's case that allowing this proposal would free up other housing currently in multiple occupation to return to class C3 family housing has been evidenced which might allow an exception to policy. It is acknowledged that there is a demand for PBSA in the city but this would not override the need to retain sites allocated to meet the pressing need for housing.
- 9.102. The proposal includes a proportion of employment floorspace in modern premises which whilst resulting in a significant loss of employment floorspace compared to current provision has been accepted by the planning policy and economic development teams. The B1 floorspace retained is a similar quantum to that retained as part of the now expired planning consent for housing and could be accepted.

9.103. The development proposed, at a maximum 8 storeys, would be defined as a tall building as is the existing 6 storey building on site. and is in the immediate context of the 7 storey Viaduct Lofts. The scheme would be built at very high density tight to the boundaries on 3 sides of the site, but has also been considered in the context of a site which is constrained by small scale terraced housing. The wider townscape impacts have been mitigated such that the scale of the scheme would not cause harm in longer views, by some height reduction and by improving the design, appearance and materials. Notwithstanding, it is considered that the proposed development would have an unacceptable impact on the amenity of neighbouring residents due to its siting, overbearing nature and impact on residents' outlook and would result in unacceptable daylight losses to residents contrary to policy QD27 of the Brighton and Hove Local Plan.

9.104. It is considered therefore that the application should be refused as the proposal is contrary to the City Plan site allocation for mixed housing and employment use and due to its impact on the amenity of adjoining residents, the application should be refused.

10. EQUALITIES

10.1. The proposals could ensure that all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 3 of the new dwellings and 5% of the new student rooms could meet Wheelchair Accessible Standards.