

<u>No.</u>	BH2019/03700	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 - 47 Hollingdean Road Brighton BN2 4AA		
<u>Proposal:</u>	Demolition of existing buildings and redevelopment of site incorporating erection of two buildings of between one and five storeys to provide student accommodation (Sui Generis), with ancillary accommodation facilities arranged around a pedestrian courtyard.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	20.12.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.03.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	SE Properties Ltd C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 provides no evidence to indicate support from a local Higher Educational Establishment. The proposed Purpose Built Student Accommodation has therefore failed to address policy CP21 of the Brighton & Hove City Plan Part One.
2. The proposed design of the student accommodation block, by reason of its height, position, form and excessive scale, would fail to successfully address the constrained nature of the site and the context of the street and as a result would appear overly dominant in relation to adjacent two storey residential properties fronting onto Hollingdean Road, contrary to policy CP12 of the Brighton & Hove City Plan Part One.
3. The proposed student block would be five storeys high and would be set behind and alongside two storey residential dwellings and would include a significant number of windows set within upper levels. The proposed development, due to its relative height, scale, siting and outlook would, therefore result in an unacceptable overbearing and overlooking impact to neighbouring dwellings, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.

4. The application has not been supported by an appropriate survey and analysis of local parking pressures and the parking demand that the development would be likely to generate. The proposed development has therefore failed to demonstrate that the Purpose Built Student Accommodation would result in an acceptable impact on the local highway network, contrary to policies CP9 of the Brighton & Hove City Plan Part One and TR7 and QD27 of the Brighton & Hove Local Plan.
5. The proposed vehicle access would be located on a busy classified road and would suffer from limited visibility due to the siting of the adjacent buildings. This would result in an adverse affect on the users of the pavement and would present a hazard to vehicles approaching and exiting the site, contrary to policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Report/Statement	Acoustic Report	Issue 2.0	12 December 2019
Report/Statement	Air Quality Assessment	Issue 2.0	12 December 2019
Report/Statement	Preliminary Risk Assessment	581-R-01A	12 December 2019
Report/Statement	Daylight Sunlight Assessment	H2372	12 December 2019
Proposed Drawing	1929-P-104		12 December 2019
Existing Drawing	1929-P-101		12 December 2019
Proposed Drawing	1929-P-102		12 December 2019
Proposed Drawing	1929-P-103		12 December 2019
Proposed Drawing	1929-P-105		12 December 2019
Proposed Drawing	1929-P-106		12 December 2019
Proposed Drawing	1929-P-107		12 December 2019
Proposed Drawing	1929-P-108		12 December 2019
Proposed Drawing	1929-P-109		12 December 2019
Proposed Drawing	1929-P-110		12 December 2019
Proposed Drawing	1929-P-111		12 December 2019
Proposed Drawing	1929-P-112		12 December 2019
Proposed Drawing	1929-P-113		12 December 2019
Proposed Drawing	1929-P-114		12 December 2019
Proposed Drawing	1929-P-115		12 December 2019
Proposed Drawing	1929-P-116		12 December 2019
Proposed Drawing	40926/(90)01		16 December 2019
Proposed Drawing	40926/(90)02		16 December 2019
Location and block plan	1929-P-100		12 December 2019

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to an irregular shaped site located to the south of Hollingdean Road to the east of the Lewes Road Gyratory. The site currently contains a two storey hipped roof building to the east of the site known as no. 45 Hollingdean Road, a two storey end of terrace building to the north of the site which forms no. 47 Hollingdean Road and a further terrace of three two storey properties; nos. 39, 41 and 43 Hollingdean Road. Both nos. 45 and 47 are currently vacant and were previously used for the sale / repair of motorcycles and parts. No. 47 has a previous permission (BH2016/00814) for the conversion to a dwelling which has not been implemented. Nos. 41 and 43 are currently in use as privately rented HMOs and no. 39 as a dwellinghouse.
- 2.2 To the rear of the site is a single storey commercial workshop with an open service yard / forecourt which is currently used for the repair and sales of vehicles. Hollingdean Road to the east and west is a typical Victorian terrace of two storey buildings comprising a mixture of single dwellings, flats and houses in multiple occupation.
- 2.3 To the south of the site is a large 9 metre high retaining wall to the access road for the servicing and delivery yard of the London Road Sainsbury's supermarket. The application site is visible from the top uncovered deck of the supermarket car park. Opposite the site on Hollingdean Road is a terrace of three storey Victorian dwellings and access to Popes Folly, a road which rises steeply northwards leading to Saunders Park and a residential neighbourhood. To the west is a modern 5 storey flatted development that was granted planning permission in 2010 at appeal. Further to the west is a recently completed block of Purpose Built Student Accommodation (PBSA). The application site is within close proximity to other PBSA developments which have been completed in recent years in the Lewes Road area.
- 2.4 The application seeks permission for the demolition of the existing buildings on the site and the erection of a two purpose built student accommodation blocks. The main block would be stepped between four and five storeys and would contain 91 studio rooms. The second block would be between one and four storeys and would accommodate 8 studio rooms. The site would include two communal rooms, a site office, two disabled car parking spaces, cycle parking.
- 2.5 The application follows a previous refused application (BH2017/01873) for a PBSA block of 88 units.

3. RELEVANT HISTORY

45 & 47 Hollingdean Road

BH2017/01873 - Demolition of existing buildings and erection of a part 2,3,4 and 5 storey building including basement to form 88 student rooms (Sui Generis), communal student facilities, plant room, cycle storage, 1no disabled parking spaces, recycling and refuse facilities, vehicular access and associated works. Refused for the following reasons:

1. *The proposed design of the student accommodation block and gatehouse, by reason of its height, position, form and excessive scaling would fail to successfully address the constrained nature of the site and as a result would appear overly dominant in relation to adjacent two storey residential properties fronting onto Hollingdean Road, contrary to policy CP12 of the Brighton & Hove City Plan Part One.*
2. *The proposed student block, at five storeys high with a significant number of windows within the upper levels set close to shared boundaries with two storey neighbouring dwellings, would result in an unacceptable overbearing and overlooking impact, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.*
3. *The proposed student block would cover the majority of the site leaving little external space and would be constructed within close proximity to the adjacent retaining wall to the south of the site. As a result a number of the studios and communal accommodation at ground and first level would suffer from restricted outlook, and the majority of the site would be overshadowed which would adversely impact on the standard of accommodation of future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.*
4. *The proposed development includes one on-site disabled parking space and has not been supported by a survey and analysis of local parking pressures and the parking demand that the development would be likely to generate. The proposed development has therefore failed to demonstrate that the development would result in an acceptable impact on the local highway network, contrary City Plan Part One CP9, Local Plan Policy TR7 and QD27.*
5. *The proposed development does not provide an adequate number of disabled car parking spaces for the number of wheelchair accessible units proposed. The proposed development is therefore contrary to policy TR18 of the Brighton & Hove Local Plan and Supplementary Planning Document 14: Parking Standards.*

BH2015/00905 - Demolition of existing building at 45 Hollingdean Road and construction of 3no storey building to provide 9no. student rooms (Sui Generis). Partial demolition and alterations to 47 Hollingdean Road and change of use to a 2 bedroom dwelling house. Refused 25.05.2016.

47 Hollingdean Road

BH2016/00814 - Conversion of existing property (Sui Generis) to form 1no residential dwelling (C3) with associated external alterations including single storey rear extension, removal of shop front and installation of new bay window and door and associated works. Approved 13.06.2016.

72.1840 - Change of use to sale of motor scooters, spares and accessories. Approved 03.07.72.

4. REPRESENTATIONS

4.1 **Two (2)** letters have been received, objecting to the proposed development for the following reasons:

- Additional traffic
- Noise impact
- Overdevelopment
- Inappropriate height of development
- Too many people in a small area
- Impact on local infrastructure, internet and communication speeds
- Loss of privacy/overlooking
- Overshadowing/loss of light
- Additional noise impact from occupants
- High number of student developments in the area

5. CONSULTATIONS

Internal

5.1 **Environmental Health:** Awaiting Comment

5.2 **Sustainable Drainage:** Awaiting Comment

5.3 **Air Quality:** Objection

The size and massing of Block A, comprising a four storey building set directly on the pavement would further enclose Hollingdean Road within an Air Quality Management Area where exceedance of the NO₂ legal limit has been recorded continuously since 2004. The design and siting of the building would further enclose the street which would inhibit dispersion of NO₂. Any "catchment" of road traffic emissions in a taller street canyon can be detrimental for ambient air quality and therefore at odds with policy SU9.

Residential land use on the ground floor is not recommended. It is noted that the ground and first floor dwellings could have passive or mechanical ventilation to mitigate exposure of future residence to pollution levels monitored in the street. This is not an ideal solution, mechanical systems demand energy and a maintenance regime to be effective. Planting with window boxes may improve the habitable realm aesthetically but will not mitigate NO₂ levels.

5.4 **Heritage:** No objection

Due to the topography of the area, the ground level of the site, the intervening office block and the massing of the proposed development, with the 5 storey element set to the south east, it is not considered that the development would have any impact on the key views. In terms of a broader consideration of setting, the proposed use and the density of the development would also cause no harm to the setting of the conservation area.

5.5 **Economic Development:** Objection

Economic development do not support the proposed development due to the loss of employment floorspace. Loss of employment space goes against the Council's corporate and strategic objectives to support business growth, income generation and job creation.

However, should this application be approved, due to the size of the development, it would be subject to developer contribution of £9,000.

In addition to the developer contribution, 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.

5.6 Planning Policy: Objection

The applicant has failed to address Local Plan policy HO8 'Retaining Housing', which should be considered.

City Plan Policy CP21 requires new purpose built student accommodation to have a formal agreement with one of the city's two universities or other existing educational establishment within Brighton & Hove. No information has been provided to demonstrate compliance with this part of the policy.

Policy CP16 Open Space, Part 2, requires new development to contribute to the provision of and improve the quality, quantity and 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 offsite financial contribution.

5.7 Sustainable Transport: Updated Comment - Objection

On further review it is considered that the current vehicular access would result in highway safety concerns due to lack of visibility for vehicles leaving the site.

Further details should be provided to address the following:

- Details on the proposed vehicular access junction including visibility splays and swept path analysis;

Initial comment - Objection

The application is currently unsuitable for determination due to insufficient information provided which is necessary to assess the potential impacts of the proposals and determine whether the impact is severe.

Further details should be provided to address the following:

- Resubmission of parking survey in accordance with Lambeth methodology; and
- Amended plans showing further details of cycling parking facilities and demonstrating that cycle parking compliant with Brighton & Hove Local Plan policy TR14 can be accommodated on-site

If these issues were addressed, the Highway Authority would not object to the proposal, subject to the inclusion of necessary conditions securing cycle

parking, a move in move out plan, a CEMP, a Travel Plan, improvements to the local highway network via a s278 network and a sustainable transport contribution of £42,600.

External

5.8 County Ecology: Comment

The proposed development is unlikely to have any significant impacts on biodiversity and can be supported subject to any demolition of buildings being carried out outside of the bird breeding season / appropriate checks to being carried out prior to demolition / clearance. The applicant is advised that the sedum roof is revised to chalk grassland in order to meet biosphere targets.

If the Council is minded to approve the application, conditions should be applied requiring details of how a net gain in biodiversity will be provided. This could either be for an Ecological Design Strategy requiring details of all the above measures, or individual conditions for green roofs, green walls and swift boxes.

5.9 County Archaeology: No objection

It is not anticipated that any significant archaeological remains are likely to be affected by these proposals. No further comments.

5.10 Environment Agency: No objection

No objection subject to conditions securing a scheme of land remediation and verification report, a discovery condition, no infiltration of surface water to the ground and no piling and penetrative foundations to be carried out without written consent from the LPA.

5.11 Sussex Police: Comment

Standard security measures are recommended and this advice has been provided to the applicant.

6. MATERIAL CONSIDERATIONS

6.1 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

6.2 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);
- Shoreham Harbour Joint Area Action Plan (adopted 2019).

6.3 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.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
DA3 Lewes Road Area
SA5 The South Downs
SA6 Sustainable Neighbourhoods
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
CP15 Heritage
CP16 Open space
CP17 Sports provision
CP18 Healthy city
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
TR19 Parking standards
SU3 Surface Water Drainage
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD7 Crime prevention through environmental design
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO13 Accessible housing and lifetime homes
SR8 Individual Shops
HE6 Development within or affecting the setting of conservation areas
HE10 Buildings of local interest
HE11 Historic parks and gardens
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPGBH15 Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of the former car sales/repair unit, the loss of the existing dwelling and houses in multiple occupation (HMOs), the proposed PBSA, the design of the proposed building and the impact on the streetscene, wider views and heritage assets, the standard of accommodation proposed, the impact on neighbouring amenity, land contamination, sustainable transport, sustainability, landscaping and ecology/biodiversity.
- 8.2 Principle of Development:**
The site as a whole lies within an identified development area (DA3). The Development Area (Lewes Road) has been identified as being suitable for student accommodation for attendees of the Universities. The principle of Purpose Built Student Accommodation (PBSU) is therefore acceptable in this area, subject to the considerations set out below.
- 8.3 The proposal includes the demolition of all buildings on the site, therefore the loss of these buildings/uses, which are subject to protective planning policies, must be considered.
- 8.4 Loss of the existing commercial uses:
The existing site contains three commercial buildings including 47 Hollingdean Road; a two storey end of terrace property, 45 Hollingdean Road; a two storey hipped roof building, in addition to a single storey building with forecourt to the rear.
- 8.5 The last known use of no. 47 was retail for the sale of ancillary parts which operated in conjunction with MOT servicing and repairs within no 45 Hollingdean Road to the rear. As with the previous application, the previous uses within nos. 47 and 45 is considered a specialist shop, and therefore it is not considered that the site would have contributed to or relied on its location close to the shopping centre or attract footfall and would have drawn custom from a wide area. The property has been vacant for some time and is relatively isolated in comparison to other local parades of retail uses. Policy SR8 seeks to retain individual shops. However, given the above, in this individual case, it is not considered that a marketing exercise would be required to demonstrate that it is likely to be economically unviable as required by policy SR8.
- 8.6 The building and yard to the rear of the site has previously been used for the sale and repairs of vehicles. Whilst this element of the site has potential to generate some employment, the previous use of the site is classed as 'sui generis' which is a category of employment use not specifically identified for protection within the retained Local Plan and City Plan Part One. Furthermore, the vehicle repair unit is located adjacent to the rear gardens of a number of residential properties. The existing relationship results in an awkward mixture of uses, due to the number of vehicle movements, disturbance from the use of power tools and machinery in addition to the general comings and goings associated with the operation of the repair and sales centre. The cessation of

such a use on the site would likely improve the quality of life for neighbouring residents.

- 8.7 On this basis, as with the previous application, the loss of the existing commercial use on the site is not resisted in principle.
- 8.8 Loss of dwellings/HMOs:
Nos. 41 and 43 Hollingdean Road are currently in use as privately rented C4 HMOs and no. 39 is currently in use as a dwellinghouse.
- 8.9 Local Plan Policy HO8 (Retaining Housing) states that planning permission will not be granted for proposals involving a net loss of residential dwellings unless one or more of several tests are met including;
- whether the accommodation is fit for human habitation;
 - access to the site is not practicable;
 - the proposal would be the practicable way of proposing a listed building or building of historic interest;
 - where the proposal would result in a net gain of affordable housing; or,
 - where the previous use of the building would be of material consideration.
- 8.10 Similarly, Local Plan Policy HO14 (HMOs) states permission will not be granted for proposed development that would result in a net loss of HMOs unless extenuating circumstances are met, including;
- where it can be demonstrated that the proposal meets an identified housing need; or
 - where the loss represents the only practicable way of preserving a listed building.
- 8.11 In this case, the proposed development would result in the loss of one dwelling and two C4 HMOs. The planning statement gives little evidence to support the loss of the dwelling and, whilst it is indicated that there are a number of HMOs available on property websites, this evidence is not substantiated other than one example which is not available until the start of the next academic year (September 2020). On this basis, it is not considered that the submitted planning statement adequately address these policies and therefore the tests and extenuating circumstances have not been met.
- 8.12 Despite the comments above, the loss of the one dwelling and two HMOs when considered in isolation would not warrant refusal of the scheme when weighed against the provision of 99 student rooms on the site.
- 8.13 The proposed PBSA:
Policies DA3 and CP21 both envisage PBSA coming forward along the Lewes Road corridor, primarily on identified sites but non-identified sites may also provide suitable locations for such accommodation in proximity to University teaching accommodation. Furthermore, Draft City Plan Part Two Policy H3 (PBSA) proposes that the site is to be allocated for PBSA. This is however only an indication of the acceptability in principle of PBSA and is subject to an

appropriate design to minimise negative impacts on surrounding residential areas.

- 8.14 Policy CP21 (Student Housing and Housing in Multiple Occupation) states that the provision of PBSA will be encouraged to help meet the housing needs of the city's students and that proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
 2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape;
 3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
 6. Schemes should 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;
 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.
- 8.15 As set out above, the application forms a resubmission of an earlier submission (BH2017/01873) for a 5 storey 88 room PBSA block which refused for several reasons. The current scheme is 5 storeys and includes 99 studio rooms. The current proposal, although an improvement in some respects, is also considered to have exacerbated several of the objections to the previous application, as set out in further detail below.
- 8.16 It is considered that the proposed development would have a significant impact on neighbouring amenity, due to the scale of the proposed development in relation to the neighbouring two storey residential properties. The high number of windows overlooking neighbouring gardens and the disturbance associated with the operation of the site are also key impacts.
- 8.17 The proposed development is high density in character which is generally supported for PBSA, and may be appropriate on other sites given that there have been several other high density PBSA developments within the area. However, due to the partial back-land setting within close proximity to two storey dwellings, in addition to the overall plot coverage and the height of the building, it is considered that the proposal would not be suitable in this context and represents an overdevelopment of the site.

- 8.18 The site is located close to Lewes Road which is sustainable transport corridor.
- 8.19 Transport impacts are addressed in detail below. The supporting evidence states that students residing in the development would not be permitted to bring cars to the city. However, the Transport Officer has raised an objection as the parking survey submitted does not follow an agreed methodology. The application has therefore failed to demonstrate that the impact would have an acceptable increase in on-street parking within the vicinity.
- 8.20 The proposal has been designed to be safe and secure for its occupants. Whilst the site is not permeable, given the restricted nature with tall retaining walls and adjacent properties, it is not considered in practical terms that the site could be made permeable.
- 8.21 The applicants have not entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. Nevertheless, it is acknowledged that the requirement for a formal agreement is unlikely to be complied with when a development is at planning stage, as the future of the site is still uncertain. Furthermore, educational providers may not be in a position to commit to take on PBSA which may not be completed and therefore may not become available for a considerable period. Similar situations have arisen in a number of cases at other sites in the city; where PBSA has been approved and it has not been possible to secure the formal agreement of an education establishment at planning application stage.
- 8.22 The previous refused application (BH2017/01873) provided evidence of formal support from Kings College, a language School recently established on Ditchling Road and the applicant indicated that they had been in discussions with the University of Brighton. This application however, does not provide any evidence to suggest that a local education establishment has indicated interest to the proposed accommodation. The LPA would expect evidence to specify that a local educational establishment would be interested in the development in order to provide comfort that the accommodation would cater for local students. On this basis, the proposed development has failed to address policy CP21 paragraph 7.
- 8.23 It is noted that further information could have been sought from the applicant in order to address this issue during the assessment of the application however the other objections to the proposal would remain.
- 8.24 Criteria 6 of Policy CP21 also sets out that the council will seek appropriate controls to ensure that approved PBSA is occupied solely as student accommodation and managed effectively. The applicant has submitted a draft student management plan. Furthermore the applicant has confirmed that they are in agreement to the occupation / management of the student accommodation being restricted by planning legal agreement.
- 8.25 In relation to criteria 7, the site is not allocated for housing within the SHLAA and does not have any extant permissions for residential development.

8.26 Overall, the principle of student accommodation is not objected to on this site however, further information is required in order to indicate interest from a local educational establishment and the applicant has failed to demonstrate that the proposed development would have an acceptable impact on the local highway network. Furthermore, the scale and density of the proposed development is not considered commensurate with neighbouring dwellings and as a result would result in significant harm to neighbouring amenity. It is not considered that a development of this scale can be accommodated on this site. The proposed PBSA is therefore considered contrary to City Plan Policy CP21. These matters are considered in more detail below.

8.27 Design and Appearance:

The site is located within an area of mixed character ranging from two storey terraced dwellings immediately adjacent to the site, to larger flatted, commercial and PBSA buildings further to the west on Hollingdean Road. The plot itself is unusual in character due to the range of different boundaries which have created an irregularly shaped site. The rear of the site is bound by a tall concrete wall which forms the retaining wall for the service ramp for the Sainsbury's superstore on the Lewes Road Gyratory. The eastern boundary is formed by the vehicular ramp/deck to the Sainsbury's car park and an electrical sub-station.

The previous application was refused on design grounds due to scale of the building set within a restricted plot to the rear of smaller dwellings and the associated impact in terms of scale and mass. Consistent feedback was given to the applicant during the consideration of the previous application, indicating that the Council would not support a scheme of the scale proposed due to design implications and the knock-on effect on neighbouring properties. Since the previous application was refused, the applicant has engaged in pre-application discussions with the Council with several schemes of a slightly smaller scale which, although generally an improvement, were not supported due to the inappropriate scale.

The current site is slightly larger than the previous submissions as nos. 39 - 43 Hollingdean Road would be demolished and the land incorporated into the development. The proposed building is however significantly larger, and the majority of the block would be at full five storey height, as opposed to the stepped design and previously proposed. The current scheme therefore shares, and in some cases exacerbates, several the issues which were raised in relation to the previous scheme as set out in detail below.

Although there is a range of local development forms and scales, including PBSA, which does allow scope for larger buildings within the vicinity, the majority of the application site itself is a back-land site, which wraps around a group of two storey terrace buildings (nos. 1-6 May Cottages) and continues right up to the street frontage where it is set alongside to a terrace of two storey dwellings (nos. 17-33 Hollingdean Road). It is therefore important that any development must be sensitively designed in order to reflect the back-land setting and to ensure that the proposal is sympathetic to the adjacent buildings fronting onto Hollingdean Road.

The proposed development includes two blocks; Block A and Block B. Block A is five storeys and occupies the majority of the site and consists of three wings including a four storey element with a set back upper storey fronting onto Hollingdean Road, a five storey central wing extending along the eastern boundary, and a five storey wing to the rear with a set back upper storey to the rear. The central section of the site would be clear and landscaped to create a courtyard area, disabled/cycle parking and an amenity area for occupiers of the development.

Block A would be finished in a varied palette of materials including a mixture of red brick and grey rainscreen cladding to the front wing, cream brick and white rainscreen cladding to the central wing and cream brick with white rainscreen cladding to the rear wing of Block A.

As with the previous application, the blocks would comprise a number of design forms, finishes and step up in heights with set back upper storeys in an attempt to break up the façade and reduce the visual dominance of the structure in relation to the adjacent buildings. It is agreed that the building would be of visual interest and the use of a modern pallet of materials is supported. Some aspects of the scheme are considered an improvement from the previous proposal in that it includes a street frontage and a visual break between the adjacent buildings. Furthermore, the orientation of the has been shifted to align with Hollingdean Road, the site has been levelled which has reduces the height slightly and the bulk within the upper levels has been reduced by splitting the block into two elements.

The footprint of the building would however be largely similar to the previous submission (when not taking account of the additional land acquired). Furthermore, the building would still be 5 storeys and the height of the main block would only be approximately 1m lower than the refused scheme. Additionally, the current proposal is considerably larger and heavier due to five storey height covering the majority of the site, as opposed to previous scheme, and Diamond Court to the west, which both step down in an attempt to transition from five storeys to the adjacent two storey buildings. As a result, the proposal would completely dominate the adjacent two storey dwellings and is considered more harmful than the earlier proposal in terms of design. This is of particular concern as the front wing would be highly visible in longer views along Hollingdean Road and from Popes Folly to the north.

In terms of the design, Block B is relatively low key and is more akin to the scale which could be accommodated on the site. The multiple heights and stepped design are somewhat contrived in an attempt to address the constrained nature of the site, however this element is not objected to in terms of design when assessed in isolation.

It is acknowledged that the design and character of the existing site does not contribute positively to the local area, and a modern redevelopment of the site is encouraged. However, the existing development on site is relatively low key and does not dominate the adjacent the buildings. A scheme of this scale is not

considered appropriate on this site given the constrained nature and proximity to buildings which are significantly smaller in character and form. Given the points raised above, it is considered that the scale and form of development proposed fails to pay respect to the constraints of the site and would result in an overdevelopment. This is evident due to other concerns set out in more detail below relating to neighbouring amenity and standard of accommodation which are directly related to the excessive scale and mass of the building.

8.28 Impact on Amenity:

Objections were raised to the previous application due to the excessive height of the building in relation to the neighbouring dwellings and the associated impact on neighbouring amenity as set out within the reason for refusal below:

The proposed student block, at five storeys high with a significant number of windows within the upper levels set close to shared boundaries with two storey neighbouring dwellings, would result in an unacceptable overbearing and overlooking impact, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.

The current scheme is still five storeys in height and, although sited and orientated differently and set on a larger site, still shares a number of the objections which were raised to the previous application and the pre-application submission as set out in detail below.

The neighbouring dwellings closest to the site, and therefore most likely to be affected by the development are:

- 1-6 May Cottages to the north; a terrace of two storey dwellings fronting onto Hollingdean Road).
- 1-24 Diamond Court to the west; a two-five storey of block of residential flats.

There are several dwellings to the south on D'aubigny Road, however the distance from the application site and the relative levels is considered sufficient to avoid any significant impact to neighbouring amenity in this direction.

The proposed development would be partially visible from the front elevation windows of the dwellings to the north of Hollingdean Road, however this relationship is considered acceptable.

8.29 Scale, Bulk and Overshadowing

The existing buildings on the site comprise four terraced dwellings, a two storey hipped roof building and a 1-2 storey commercial unit. The proposed development would involve the demolition of the existing buildings and the construction of a 5 storey block which would be set to the rear of and parallel to the rear gardens and rear elevations of adjacent two storey dwellings.

As set out above, objections were raised to the previous application due to the scale and siting of the proposed building and the associated knock on effects to neighbouring amenity. The current proposal has been amended in that the block

is set slightly further to the rear of the site, orientated to run parallel with Hollingdean Road, the accommodation has been split into two blocks, and the overall height has been reduced. Some aspects of this scheme are considered an improvement in comparison to the previous application, most notably, the split of the block into two sections which will create a visual break and a reduction of the bulk in this section of the site.

The overall bulk of the building has however simply been relocated and significantly increased alongside the eastern boundary of the site and the bulk of the main section of Block A is of comparable scale to that of the previous application. The current scheme still includes a five-storey building set within 10m of the rear gardens and between 10 and 20m of the rear elevations of two storey residential dwellings.

In addition to impact of the physical form of the proposed development itself, the proposal would include over 40 windows at first floor level and above facing into the courtyard and towards the rear gardens and rear elevations of 1-6 May Cottages. Although a number of these windows would only allow oblique outlook towards neighbouring properties, many would have direct views towards windows and rear gardens. It is noted that the block is set slightly further to rear of the site in comparison to the previous refused scheme, which would improve the relationship, the overlooking and loss of privacy is still considered to result in a negative relationship which would exacerbate the issues associated with the bulk and physical presence of the building, as identified above.

The sunlight daylight report submitted with the application has tested a total of 40 windows located to the rear and side elevations of Diamond Court and 1/2, 3/4, and 5/6 May Cottages. A total of 7 windows would fail the daylighting test and one window would fail the sun lighting test.

In relation to overshadowing of external amenity space, the assessment indicates that the rear gardens of 1/2, 3/4 and 5/6 May Cottages would all experience a noticeable loss of direct sunlight as a result of the proposed development.

It is acknowledged that the BRE tests provide only guidance and do not provide an indication of a level of impact which should amount to refusal of a planning application. The tests do however provide a useful reference when assessing proposed developments set within close proximity to neighbouring dwellings such as this. In this case it is considered that there are a number of impacts to neighbouring amenity including, overlooking and an overbearing impact. The additional failure of several of the BRE tests for adjacent windows within residential properties reinforces these concerns. The proposed development is therefore considered contrary to policy QD27 and shall be recommended for refusal on this basis. The objections raised above illustrate and reinforce the view that the scale of development proposed is too great for the constraints of the site.

8.30 Standard of Accommodation for Future Occupiers:

The proposed student accommodation would be split into two blocks. Block A would include 91 studio rooms (including 5 accessible units) and Block B would include a further 8 rooms. Each room would include an en-suite shower room in addition to cooking and storage facilities. The rooms would range from 18sqm to 26sqm and all residents would have access to two communal areas, totalling 97sqm. Residents would also have access to an external decked and landscaped amenity area to the rear of the site within the south-west corner, in addition to the central courtyard.

The site is bound to the south the retaining wall for the Sainsburys supermarket service ramp addition to the vehicle ramp to the Sainsburys supermarket car park to the east. The service ramp rises from west to east and finishes roughly level with the top of the second floor of Block A at its highest point.

The previous application (BH2017/01873) was refused due to poor outlook from a number of the studio rooms, particularly those which were located on the lower levels with single aspect outlook directly onto the service ramp retaining wall. The current scheme has been re-orientated significantly in comparison to the previous scheme and as a result there would no ground floor rooms facing towards the rear of the site. Furthermore, the majority of the rooms located to the rear would benefit from dual aspect outlook to the east and west rather than directly onto the service ramp. The outlook has therefore been improved significantly in comparison to the previous submission and, although it is noted that several of the rooms would still have restricted outlook, the overall scheme is considered acceptable in this regard.

It is noted that a number of the studios within the northern wing of Block A front directly onto Hollingdean Road. This stretch of Hollingdean Road experiences high volumes of through traffic and as a result suffers from noise impacts and is also designated as an Air Quality Management Area (AQMA) due to poor air quality. Although the outlook directly onto the busy road is not particularly positive, an acoustic report has been submitted with the application which concludes that appropriate noise levels can be achieved within the rooms fronting onto Hollingdean Road, provided that adequate sound insulation is installed to the façade. In order to achieve this, mechanical/passive ventilation would be required to each of the rooms fronting onto the road.

As detailed within the supporting Air Quality Assessment, all studio rooms would achieve acceptable levels of air quality other than the ground and first floor studios fronting onto Hollingdean Road. The Air Quality Assessment indicates that acceptable air levels can be achieved in these rooms through the use of mechanical ventilation. This arrangement is not considered particularly positive, particularly when assessed in combination with the outlook directly onto a busy road which receives a high number of vehicles per day. However, mechanical ventilation is a widely accepted alternative method of receiving fresh air and has been used elsewhere in the city including local PBSA on Lewes Road. The application is therefore considered acceptable in this regard and a full scheme of ventilation would be secured by condition in the event of an approval.

8.31 Sustainable Transport:

The existing site is accessed from Hollingdean Road via an access route located between nos. 43 and 47 Hollingdean Road. The access would be relocated to the west where no. 47 is currently located and will be utilised for pedestrian, cycle and vehicle access whilst servicing and deliveries will take place on Hollingdean Road. This arrangement is considered acceptable in terms of pedestrians, cycles and servicing/deliveries.

The access would suffer from restricted visibility for vehicles leaving the site due to the siting of the new block located directly on the pavement. The previous refused application included a similar access arrangement however a visibility splay was designed into the building to allow for improved visibility for vehicles leaving the site. The lack of visibility for vehicles is considered to the result in significant highway safety concerns. On this basis the transport team have requested a revised design including visibility splays, a swept path analysis, in addition to a Stage 1 Road Safety Audit. Without this information, it is not considered that the applicant has demonstrated that the proposed access would be acceptable in terms of highway safety. The proposed development is therefore considered contrary to Local Plan policy TR7 and City Plan Part One Policy CP9.

The proposed development will generate a substantial number of trips to and from the site. A transport assessment has been submitted as part of the application submission which indicates that the greatest impact in the local highway network will be derived from pedestrian movements resulting in a total of 284 daily trips. The site is located close to the sustainable transport corridor of Lewes Road which includes ample opportunities for the use of public transport.

The applicant has provided an example scheme detailing a move in/move out strategy detailing that the disabled spaces on site would be suspended and students will be given allocated time slots. This arrangement is considered acceptable and would be secured by condition in the event of an approval.

76 cycle parking spaces are proposed which accords with the number of units proposed as set out within SPD14. The layout, access and design of the cycle parking is not considered acceptable for the proposed development. Further details would be secured by condition in the event of an approval.

SPD14 indicates that PBSA should provide 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled individuals and residents. As the site includes 5 accessible units, the provision of two spaces would not meet this standard. SP14 does however state that the absolute minimum provision should be two spaces. The proposal of two spaces, although not ideal, would not warrant refusal of planning permission in this case.

It is noted that the proposal includes the removal of the existing crossover and the installation of a new crossover and dropped kerb outside of the development site. If the application were to be approved, a Grampian condition would be

recommended in order to secure that the old crossover would be removed prior to occupation, in addition to a condition securing the new crossover.

Since the time of the previous submission, local controlled parking zones (CPZs) have expanded and introduced into Hanover and Elm Grove, thereby likely reducing the availability of uncontrolled parking spaces within the area for local residents. The application has been submitted with a parking survey which indicates that there is capacity for cars within the sample area, however, the transport team have raised objections as the survey has not been carried out in accordance with the correct methodology and several aspects of required information are not included within the survey.

Due to the lack of on-site parking, and the number of units proposed, the development has the potential to generate on street parking within an area of high demand which has been put under additional pressure due to the extended CPZs. Furthermore, several recent completions of other PBSA development within the vicinity have further reduced the availability of on-street parking. The draft student management plan indicates that students will not be permitted to bring vehicles to the site or to park locally, however in reality this would be difficult to enforce by the Local Planning Authority. An accurate survey based on an agreed methodology is therefore required.

As the survey provided does not accord with an agreed methodology, the application has failed to demonstrate that the proposed development would not result in an impact on the local highway network in terms of parking generated. On this basis the application fails to address the requirements of policies CP9, TR7 and SPD14 guidance. Further information could have been sought from the applicant in order to address/mitigate this issue, the other objections to the proposal would remain. It was therefore not considered reasonable to put the applicant to additional cost, given these other outstanding fundamental issues.

The sustainable transport team have calculated that the development would require a sustainable transport contribution of £42,600. This has been agreed with the applicant and would be secured via a s106 agreement in the event of an approval. The following measures would also be secured by condition/legal agreement in the event of an approval:

- A travel plan securing details to encourage future occupiers to use sustainable transport methods
- A Construction Environment Management Plan
- A full cycle parking scheme
- Implementation of a new crossover / reinstatement of the old crossover
- A student move in/move out management plan

8.32 Sustainability/ Air Quality:

Regarding sustainability measures, the scheme incorporates strategies including in efficient thermal building fabric, increased insulation, photovoltaic panels, low energy light fittings, low flow sanitary settings in addition to approaches to increase biodiversity, green walls and green roofs. Sustainable drainage systems are also proposed.

Overall subject to securing a BREEAM rating of 'Excellent' for the proposed development, it is considered that the proposed development adequately addresses policy CP8.

The application falls within an Air Quality Management Area (AQMA) in an area where NO₂ levels where records indicate that NO₂ levels have exceeded legal limits continuously since 2004. It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. The application has been submitted with an air quality statement which concludes that the development would not have a negative impact on ambient air quality within the AQMA and the change caused by the development can be categorised as beneficial/negligible. This is justified on the basis that the proposed development is likely to result in less operational traffic than the existing site.

The Air Quality Officer has raised objections to the proposal due to the physical design of the section Block A fronting onto Hollingdean Road. This element of the proposal would be four storeys (an additional two compared to the existing development) fronting directly onto the pavement which has the potential to inhibit dispersion of traffic emissions and therefore could possibly worsen the quality of the air within the AQMA due to a canyoning effect. However, the site is located opposite to an open recreational ground and the change of use is likely to result in a reduction in operational traffic in comparison to the existing use. Taking account of this in addition to the measures that would be secured by condition in the event of an approval to encourage use of sustainable transport modes including; cycle storage for all occupants, restricted routes of construction traffic and electromotive charging points, it is not considered that this objection would warrant refusal of the application.

In regard to drainage, a Flood Risk Assessment, Surface Water Strategy and SUDS Assessment has been submitted. Full details of the proposed drainage strategy and systems would be secured by condition in the event of an approval.

8.33 Other Considerations:

The applicant has agreed to provide a number of financial contributions in accordance with City Plan policy CP7 and the developer contribution technical guidance as set out below:

- Construction Training and Employment Strategy
- Local Employment Contribution
- Travel Plan
- Contribution to Artistic Component.
- Submission of a Student Management Plan.
- Sustainable Transport Contribution
- Open Space Contributions

An informative is recommended reminding the applicant that this would be secured in the event permission was recommended.

8.34 CONCLUSION:

The proposed development would provide 99 student studios which represent a substantial contribution towards the need for purpose-built student housing in the city. The site is in a good location within the city for such developments as it is near to local University teaching accommodation and on the sustainable transport corridor of Lewes Road.

Whilst student accommodation on site is not objected to in principle, the current proposal is considered an overdevelopment which would fail to address the constraints of the site. As a result, the development creates a number of knock on effects including impact on local dwellings from the scale and mass of the building, overshadowing and overlooking/loss of privacy. The application has also failed to demonstrate the proposed development would have an acceptable impact on the local highway network and several of the rooms would be located within an AQMA.

It is acknowledged that there would be a number of benefits associated with the proposal, including the provision of PBSA in an area allocated for such development, however the benefits are not considered to outweigh the harm associated with the proposed overdevelopment of the site. Accordingly, refusal of the application is recommended

9. EQUALITIES

- 9.1 5 of the proposed studio units would be wheelchair accessible, equating to 5% of the overall student units.

