

<u>No:</u>	BH2020/01696	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	56 - 57 Lewes Road Brighton BN2 3HW		
<u>Proposal:</u>	Demolition of existing building and redevelopment to provide student bed spaces (Sui Generis) in a building ranging from 3 to 4 storeys, plus redevelopment of existing basement level, a flexible retail/cafe unit (Class A1/A3) and ancillary uses comprising bin stores, cycle stores, laundry and office/reception and associated landscaping. (For information: proposal is for 60no student bed spaces and 211 sqm of retail/café floor space). (Amended plans)		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	24.06.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	23.09.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Turley 8th Floor Lacon House 84 Theobalds Road London WC1X 8NL		
<u>Applicant:</u>	Co-operative Group Limited And FPC (Lewes Road) Limited C/o Turley Lacon House 84 Theobalds Road London WC1X 8NL		

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 **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	001	-	24 June 2020
Block Plan	060	-	27 November 2020
Proposed Drawing	090	-	27 November 2020
Proposed Drawing	100	-	27 November 2020
Proposed Drawing	110	-	27 November 2020
Proposed Drawing	120	-	27 November 2020
Proposed Drawing	130	-	27 November 2020
Proposed Drawing	140	-	27 November 2020
Proposed Drawing	200	-	27 November 2020
Proposed Drawing	300	-	27 November 2020
Proposed Drawing	310	-	27 November 2020
Proposed Drawing	190165-SK- 001	-	24 June 2020
Proposed Drawing	190165-SK- 002	-	24 June 2020

Proposed Drawing	190165-SK- 003	-	24 June 2020
Proposed Drawing	190165-SK- 004	-	24 June 2020
Proposed Drawing	190165-SK- 005	-	24 June 2020
Report/Statement	Arboricultural Implications Assessment	dated June 2020	24 June 2020
Report/Statement	Daylight and Sunlight Report	dated 16th June 2020	24 June 2020
Report/Statement	Draft Environmental Management Plan (CEMP)	dated 28th April 2020	24 June 2020
Report/Statement	Drainage Strategy Report	dated April 2020	24 June 2020
Report/Statement	Energy Assessment	dated 22nd June 2020	24 June 2020
Report/Statement	Environmental Noise Assessment	dated 6th-20th May 2020	24 June 2020
Report/Statement	Flood Risk Assessment	dated June 2020	24 June 2020
Report/Statement	Preliminary Ecological Appraisal	dated 18th May 2020	24 June 2020
Report/Statement	Air Quality Assessment	dated July 2020	30 July 2020
Report/Statement	Transport Statment	dated June 2020	24 June 2020
Report/Statement	Road Saftey Audit 1	dated Novemb er 2020	26 November 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.

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

4. Noise associated with plant and machinery incorporated within the development, including the lift, laundry, plant room, cinema and gym and any odour control equipment, shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

5. The development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

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

6. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

7. The recommendations as set out in the Acoustic Report carried out by MIOA of Sound Advice Acoustics Ltd dated May 2020 shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

8. Any Ultralow NOx boilers within the development shall have NOx emission rates of <30 mg/kwh.

Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

9. All boiler flues shall have vertical termination above roof level for better dispersion of emissions avoiding the lee of buildings.

Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

10. HGVs used for demolition and construction of the development shall minimise routes through the City Centre Air Quality Management Area when travelling to/from the site.
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
11. Frequent HGV used for construction of the site shall meet the euro-VI emission standard (available for vehicles registered after September-2014).
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
12. The developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance improving air quality emissions from non-road mobile machinery.
Reason: To avoid emission impacts in and around the AQMA and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
13. The recommendations and tree protection measures as set out in the Arboricultural Implications Assessment and Method Statement carried out by Alumno dated June 2020 shall be implemented and retained as such thereafter.
Reason: As this matter is fundamental to protecting two off-site public realm trees during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.
14. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Ambiental Environmental Assessment, 18/05/2020).
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Policy CP10 of the Brighton & Hove City Plan Part One.
15. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall include a minimum of swift bricks/boxes and bee bricks. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

16. The recommendations as set out in the Flood Risk Assessment carried out by Entuitive on behalf of Alumno, dated April 2020 (updated June 2020) shall be implemented and retained as such thereafter, including necessary maintenance measures.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

17. The 3 accessible units hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

18. Students occupying the building shall be restricted to those enrolled at Brighton Screen and Film School or other educational establishments within Brighton & Hove.

Reason: As this matter is fundamental to the acceptable delivery of the permission and to comply with policy CP21 Brighton and Hove City Plan Part One.

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

20. Within 6 months of first occupation of the development hereby permitted, a BREEAM Building Research Establishment assessor has issued a Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM New Construction rating of "Excellent" and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: to ensure that the development is sustainable and makes efficient use of energy, water and materials, and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

21. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
22. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
23. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, external walls and roof material including technical specification and details of the colour/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
- Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
24. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
25. The planting screening to the roof terraces hereby approved shall be no less than 1 metre in height shall remain in perpetuity and shall only be replaced with other plant screening of similar size, unless the Local Planning Authority gives written consent to any variation.
Reason: To protect the amenities of future residents and of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & 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. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX or, southernwater.co.uk.
3. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX or, southernwater.co.uk
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
5. The water efficiency standard required under condition 23 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application site is on the corner plot of Lewes Road and Caledonian Road and is currently in use as a Co-op food store. This part of Lewes Road is typified by commercial uses at ground floor with residential above, with roads to the west, including Caledonian Road, containing terraces of residential properties. There is a substation to the immediate rear (west) of the application site and an access road separating the site from the residential terraces on Caledonian Road behind.

- 2.2. On the opposite corner of Lewes and Caledonian Roads is a three-storey building with café at ground floor and residential above (no. 55 Lewes Road). The adjacent building to the north (no. 58-62 Lewes Road) is a three-storey building extending to the junction of Edinburgh Road, containing a vacant retail unit at ground floor and residential above.

3. RELEVANT HISTORY

- 3.1. PRE2019/00300- Redevelopment of site to propose 70 student bedrooms in a building ranging from 3-5 storeys. A Cafe/retail unit and ancillary uses comprising bin store, laundry and office/reception at ground floor, 20 cycle spaces and associated landscaping.
- 3.2. PRE2019/00124- Redevelopment of site to form 3 to 4 storey building incorporating 60no student rooms, cafe/retail unit, bin store, laundry, office/reception area, cycle parking and associated landscaping.
- 3.3. BH2016/05743- Display of internally-illuminated fascia and hanging signs and non-illuminated panel signs. Approved 12.12.2016.
- 3.4. BH2012/02835- Installation of new mechanical plant on upper and lower flat roof to replace existing with associated safety barrier. Approved 08.11.2012.
- 3.5. BH2012/02793- Display of internally illuminated fascia signs and an internally illuminated projecting sign. Approved 19.11.2012. Approved 19.11.2012.
- 3.6. BH2012/02682- Replacement of existing entrance lobby with new shop front with sliding door extended out to line of existing shop front, relocation of existing ATM on front elevation, installation of new trolley bay to front and news and magazine lock box to front of shop. Approved 08.11.2012.
- 3.7. BH2007/01120- Display of two internally illuminated fascia signs and an internally illuminated double-side projecting sign. Approved 17.05.2007.
- 3.8. BH2006/00849- Installation of air conditioning plant to high level roof. Reduction of internal sales area. Approved 13.06.2006.
- 3.9. BH2004/00960/FP- Installation of an ATM to the Lewes Road elevation. Approved 12.05.2004.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the replacement of the existing single and two-storey building on site with a four-storey building containing purpose-built student accommodation (PBSA) on ground and upper floors, accessed from Caledonian Road, and a flexible retail/café unit of 211msq (Class A1/A3) on the Lewes Road frontage.

- 4.2. The PBSA would contain 60 studio rooms, along with shared communal spaces at basement level (study, recreation and laundry room), and at third floor level (terrace, winter garden and courtyard), and the provision of kitchen/dining/living areas on 1st, 2nd and 3rd floor levels. The application proposes a brick finish, green roof, street planters to both street elevations, as well as alterations to the on-street cycle parking and the provision of a disabled parking bay on Caledonian Road.
- 4.3. The applicant engaged in pre-application advice, initially proposing a 3-5 storey building comprising 70 student units. The present proposal would be up to four storeys in height with 60 student units, with concerns relating to design and appearance, quality of internal space, provision of communal amenity spaces, landscaping and biodiversity addressed successfully.
- 4.4. Since submission of the application changes have been made to the design, internal layout and landscaping which are:
- Achieving a more expressive corner section on the Lewes Road/Caledonian Road junction through projection and verticality in the design.
 - Improvements to landscaping on Caledonian Road and Lewes Road to include new and larger planters with ground level planting.
 - Minor changes to the internal layout, mainly by increasing the wall thickness between residential and retail/ancillary uses and minor alterations to increase the function of the 'shared social space' at third floor level.
 - In response to Highways comments amendments have been made to cycle provision/disabled parking and a Road Safety Audit has been submitted.

5. REPRESENTATIONS

- 5.1. Six (6) letters of representation have been received objecting to the proposal for the following reasons:
- Co-op should be relocated
 - Noise impacts
 - Students should be moved away from Lewes Road
 - Anti-social behaviour
 - Need proper housing
 - Height
 - Air pollution
 - Design
 - Loss of light
 - Effect on property as local homeowner
 - Querying process for feedback from residents
- 5.2. One (1) letter of representation has been received commenting about:
- Traffic
 - Noisy students and issues
 - Concern more students in area

- Positive re-development of site

6. CONSULTATIONS

External

- 6.1. **County Archaeologist** No objection. Not considered that the proposals are likely to have a significant archaeological impact.
- 6.2. **Scotland Gas Network** No objection. Principles of the Scotland Gas Network should be adhered to.
- 6.3. **Southern Water** No objection. Seek informative noting need for a formal application to be submitted for connection to the public sewer.
- 6.4. **Sussex Police** No objection. The principles of Secured by Design should be adhered to.
- 6.5. **Uk Power Networks** No objection

Internal

- 6.6. **Air Quality Officer** No objection subject to recommended conditions and CEMP requirements.
- 6.7. **Arboriculture** No objection subject to the condition securing method statement and tree protection measures.
- 6.8. **Brighton and Hove Archaeological Society** No objection
- 6.9. **City Parks** No objection. Note that with the loading bay and bin storage retained there is no opportunity for street tree planting in the vicinity.
- 6.10. **Ecology** No objection. No objection subject to recommended conditions requiring swift/bee boxes and details contained within the Preliminary Ecological Appraisal Report.
- 6.11. **Economic Development** No objection subject to submission of developer contributions of £6,000 and Employment and Training strategies.
- 6.12. **Environmental Health** No objection subject to condition requiring recommendations contained within the acoustic report being taken forward, and associated conditions to safeguard amenity.
- 6.13. **Policy** No objection subject to a clause within the S106 agreement restricting occupation to students of this institution or others within Brighton & Hove.

- 6.14. **Sports Facilities** No objection subject to developer contributions for the sum of £60,452.17 towards open space (outdoor sports) and £11,760.00 for indoor sport provision.
- 6.15. **Sustainability** No objection subject to conditions attached to ensure the BREEAM Excellent or Very Good, depending on size of retail/commercial space rating is achieved.
- 6.16. **Transport** Objection. Concerns raised over lack of hourly forecasts and dwell times for delivery/serving; lack of agreement of brief for road safety audit of replacement of cycle parking with disabled carpark; layout of internal cycle parking; number of off-site (public) cycle parking spaces; lack of disabled parking provision (one space instead of four).
- 6.17. **Urban Design** No objection. Following amendments concerns have been addressed successfully with regard to quality of internal space, provision of communal amenity spaces, landscaping, biodiversity and appearance.

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);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 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. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to

be given to individual policies will need to await the outcome of the Regulation 19 consultation which was undertaken and completed 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP3	Employment Land
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP21	Student Housing and Housing in Multiple Occupation

Brighton & 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
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD5	Design street frontages
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
HO15	Housing for people with special needs
SR5	Town and district shopping centres

Supplementary Planning Documents

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, including the provision of the new retail/café unit and purpose built student accommodation (PBSA); the design of the proposed building and the impact on the streetscene; the standard of accommodation proposed; the impact on neighbouring amenity; sustainable transport; sustainability; landscaping and ecology/biodiversity.

Principle of Development:

- 9.2. The site lies within the Development Area 3: Lewes Road (DA3), identified in City Plan Part 1 as being suitable to 'further develop and enhance the role of Lewes Road as the city's academic corridor', including through the delivery of 'appropriate accommodation for students'. The principle of Purpose Built Student Accommodation (PBSA) is therefore acceptable in this area, subject to the considerations set out below.

Loss of Retail Use:

- 9.3. The site is currently occupied by a part 1 and part 2 storey Class A1 (Retail) unit, occupied by the Co-op Food Store, with associated plant and equipment at second floor level and basement below. It is proposed that the current A1 retail frontage would be converted to a flexible café/retail use (A1/A3).
- 9.4. Policy CP4 of the City Plan Part One identifies a significant need for new retail floorspace over the period of the plan, noting that "it is important that Brighton & Hove's shopping centres and local neighbourhood shopping facilities remain vibrant, attractive and accessible".
- 9.5. The application site lies within the identified 'prime retail frontage' of the Lewes Road District Centre therefore policy SR5 of the Local Plan also applies. The policy states that changes of use away from A1 (retail) will be permitted provided that certain criteria are met, such as a clear predominance of Class A1 uses being, maintained and as a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres.
- 9.6. It is considered that the proposal would accord with this approach, particularly as it would retain an element of A1 use. The site is adjacent to a vacant A1 unit to the north, and an occupied A3 (café/restaurant) use to the south, and while there is a mix of A1 and A3 uses in this part of Lewes Road, a high number of A1 retail units has been retained. The proposed A1/A3 use would still attract pedestrian activity to the area and would not notably alter the prevailing character of this section of Lewes Road and would not affect the retail viability of the Lewes Road district centre as a whole. Of material consideration to this application is that the unit retains an A1 element, therefore it is considered that there would be no conflict with policy SR5.
- 9.7. Draft City Plan Policy DM12 currently has limited weight but sets out the council's future direction of travel with regard to the policy approach to retail frontages. It states that changes of use of a ground floor Class A1 retail unit in the primary shopping frontages will only be permitted where the proportion of Class A1 retail

units would not fall below 50% in District Centres, which the application would maintain.

- 9.8. Notwithstanding the above, the changes to the Use Class Order which came into effect on 1st September 2020 means that both retail units and cafés fall into a new 'E' use class. Changes of use within the same class do no longer constitute development. Retention of a use which will attract footfall to the district centre and provide an active frontage is welcome. The proposal is therefore considered acceptable in this respect subject to recommended conditions.

The proposed PBSA:

- 9.9. The site is located within the Lewes Road Development Area as set out in City Plan Part One.
- 9.10. Policy DA3 and is well located for purpose-built student accommodation (PBSA). One of the strategies for this development area is to improve further and higher education provision in the Lewes Road area, including by delivering appropriate accommodation for students. The provision of residential development, and development that meets the needs of local communities is supported in accordance with DA3.3. It is therefore considered that the proposal accords with this policy.
- 9.11. The Lewes Road corridor is also identified under City Plan One Policy CP21 ('Student Accommodation and Houses in Multiple Occupation') as being a suitable location for PBSA development on a sustainable transport corridor with good access to the universities.
- 9.12. 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.”*

- 9.13. As set out in more detail below criteria 1- 5 are considered to have been met, by virtue of the scheme not resulting in harm to amenity, the built development being compatible with the townscape, the location being sustainable in terms of transport, and being designed to be safe and secure for occupants, while maintaining permeability.
- 9.14. Criterion 6 would be met through imposition of a condition requiring occupants to attend educational establishments in the City, and while criterion 7 is met because the site is not allocated for housing, and no extant planning permissions apply to the site.
- 9.15. The proposed development would support the local priorities for the area by providing appropriate accommodation for students to support the area's status as the academic corridor. As such, the principle of development is considered acceptable.

Design Scale and Massing:

- 9.16. Buildings on Lewes Road are predominantly two storey in height, with commercial uses at ground floor and residential above, and are not typically of high quality design. There are some taller buildings, particularly on corner road junctions, including neighbouring buildings to the immediate north and south. The rear (west) of the site on Caledonian Road is characterised by terraces of two-storey residential properties.
- 9.17. As set out in SPG15, Lewes Road is an identified ‘tall building corridor’ (defined as six storeys or more). Therefore, the proposed three- and four-storey height is considered acceptable in principle, and to provide a suitable transition from the slightly lower heights on Lewes Road and domestic terraces in Caledonian Road.
- 9.18. The application proposes a minimal, contemporary approach to design, with a single brick blend, green roof and street planters to both street elevations. The design, scale, massing and articulation of the building is considered to be positive, with the combination of a minimal and contemporary approach working effectively in this context, and the vertical window design providing a positive reference to the neighbouring residential terraces.
- 9.19. Previous concerns raised by officers are considered to have been addressed positively resulting in the more expressive corner element and added articulation, particularly to the Caledonian Road elevation. The design and character of the building is considered to fit effectively within its setting and the minimal and contemporary approach is considered to both appreciate and enhance its surroundings.

Impact on Neighbouring Amenity:

- 9.20. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Impacts on Daylight and Sunlight, loss of privacy and outlook on Neighbouring Properties

- 9.21. The area around the site includes commercial uses at ground floor with residential above on Lewes Road and residential terraces on Caledonian Road to the west and Edinburgh Road to the north west.
- 9.22. A Daylight and Sunlight Report has been submitted as part of the application. The assessment concluded that the daylight and sunlight amenity to the neighbouring properties would not be materially affected by the development, in line with BRE guidance.
- 9.23. The rear of terraced dwellings on Edinburgh Road to the north-east would be between 20.1m (where not directly opposite) and 21.7m (where directly opposite) from the nearest rooms which is considered to maintain a suitable level of privacy. Caledonian Court (a flatted development), immediately to the rear (west) of the site, would have a blank wall facing the site at its closest point, with the front fenestration facing south. The window openings with clear glass would not offer direct views toward the residential flats of Caledonian Court.
- 9.24. Overall, loss of light as a result of the proposal would be limited and within the guidelines in the BRE Report. The development would not result in amenity harm in terms of overshadowing, loss of light or overlooking, given adequate separation distances with neighbouring properties. The development would therefore have an acceptable impact upon neighbouring properties and the proposal is compliant with Policy QD27 of the Local Plan.

Roof Terraces

- 9.25. The scheme features 2no. roof terrace areas at third floor level: a 10.6sqm terrace area located upon the south western elevation and a 16.7sqm courtyard terrace upon the southern elevation fronting Caledonian Road. Both have been designed to minimise any potential overlooking by being set back from the building line and with the addition of planters to move users away from the edge of the roof and enclose the terraces. Whilst the views would predominantly be of wider roofscapes, a condition has been attached to ensure the planting screening shall be no less than 1 metre in height and shall remain in situ.

Site Layout/Internal Layout and Standard of Accommodation for Future Occupiers:

- 9.26. The general arrangement, with active retail frontage and cycle parking to Lewes Road, and primary residential entry and loading to Caledonian Road, is considered appropriate to its context. The space around the site (on the pavement of Caledonian Road and Lewes Road) has been utilized to its fullest to provide landscaping provision (planters and greenery) to enhance and improve the setting of Caledonian/Lewes Road.

- 9.27. The PBSA would contain 60 studio rooms (including three accessible units) set over the ground to the third floor. This would comprise 39 studio rooms, 18 en-suite 'cluster flats' (i.e. three units containing six rooms each) and three accessible rooms. The sizes of the rooms would range from between 14.7sqm and 25.5 sqm which would be in line with established purpose-built student accommodation. Each room would contain an en-suite shower room, wardrobe and desk with adequate circulation space, ventilation and outlook. The 'cluster rooms' would be located around the kitchen/living/dining rooms located on the first, second and third floors, measuring 36.6sqm.
- 9.28. Residents would also have access to shared communal space at basement level (study, recreation and laundry room) and at third floor level (terrace, winter garden and courtyard) and the provision of kitchen/dining/living areas on first, second and third floor levels. The provision and quality of communal/shared amenity spaces and kitchen/living/dining spaces to the cluster units is considered adequate in terms of amount, size and layout. The basement social space would be effectively lit and ventilated, and would function effectively as a place for noisier activities.
- 9.29. Noise concerns, air quality and outlook to the ground floor studios have been adequately addressed by including acoustic partitions, increased wall thickness between residential and retail/ancillary uses, and planted spaces positioned in front of the windows. The windows would have narrow openings for security, and with the trickle ventilation and bathroom extraction they would be well ventilated if the windows remain closed.
- 9.30. A Noise Impact Assessment has been submitted as part of the application which demonstrates that subject to recommended measures the impact on new residents would not be negatively impacted.
- 9.31. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the National Optional Technical Standards. Three studio rooms have been provided as wheelchair accessible on the first, second and third floor. Step free access is achievable to access the building and a lift is provided to provide access to the upper floors for those in wheelchairs or with a mobility-related disability.

Landscaping/Sustainability/Air Quality:

- 9.32. In bringing forward schemes in the Lewes Road Development Area, Policy DA3 seeks to secure improvements to the townscape and public realm, delivering inter-connected green infrastructure and biodiversity improvements as well as improving air quality. Policy CP13 requires street trees and biodiversity to be incorporated wherever possible.
- 9.33. In this case, the applicant has sought to utilise the limited space around the site (on the pavement of Caledonian Road and Lewes Road) to provide planting and greenery including a number of raised planters to the building's edge on

Caledonian Road, as well as terrace planting at first floor level on Lewes Road and third floor level on Caledonian Road. Ground level planting has been included around the base of the two existing street trees on Caledonian Road and improvements to ground level planting on Lewes Road, with the existing raised planters on the corner of Caledonian Road proposed to be replaced with new, larger planter, and an additional planter is proposed to the north of the existing bin enclosure. The proposed chalk grassland roof planting which creates a biosolar roof is also a positive addition.

- 9.34. Whilst it is beyond remit of the applicant to relocate the existing on-street bin/refuse facilities around the site, the planting measures would improve the overall appearance of these. City Parks note that with the bin storage being retained there is little opportunity for street tree planting in the vicinity, but CIL contributions can be used to provide off-site measures elsewhere. These proposals are considered to be an improvement to the character of Lewes Road and adequately address policies DA3 and CP13.
- 9.35. Regarding sustainability measures, the scheme incorporates strategies including increased insulation, photovoltaic panels, low energy light fittings, air source heat pumps, in addition to approaches to increase biodiversity such as the green roofs. The proposed development is targeted to achieve a BREEAM rating of 'Excellent', which will be conditioned, and it is therefore considered that the proposed development adequately addresses policy CP8 (sustainable buildings).
- 9.36. The application site falls within an Air Quality Management Area (AQMA). 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 applicant has submitted a detailed air quality assessment that indicates all air quality standards will be met from the year of residential occupation. The assessment acknowledges that nitrogen dioxide levels are higher facing Lewes Road compared with side roads, however given monitoring evidence in recent years it is reasonable to assert that pollution levels will be lower at the site compared to Elm Grove and Vogue Gyratory approaches.
- 9.37. The Air Quality Officer has acknowledged that the accommodation is a considerable increase in size and massing adjacent to the road compared to the existing single storey use whereby massing has the potential to inhibit dispersion of traffic emissions due to a canyoning effect. However, the officer has confirmed that it is reasonable to assert that pollution at this site would be lower than within other areas of the AQMA such as the Vogue Gyratory approaches and that the development is unlikely to produce more operational traffic than the existing use. Therefore, with the addition of recommended conditions, including the encouragement of sustainable transport modes, it is considered that the proposed development addresses policies SU9 and DA3.
- 9.38. In regard to drainage, a Flood Risk Assessment and Drainage Strategy Report has been submitted. A condition has been attached to ensure the mitigation measures identified within the Flood Risk Assessment are adhered to.

Sustainable Transport:

- 9.39. The proposed development would be 'car-free', with no on-site car parking provided. A disabled parking bay is proposed immediately outside the site on Caledonian Road, at the end of an existing loading bay, on an area currently occupied by cycle stands. This is considered to be of significant benefit to the scheme and the accessibility of accommodation for students with mobility issues.
- 9.40. The on-street stands being displaced by disabled parking bay would be replaced with eight cycle stands in front of the site, on Lewes Road which meets policy requirements for cycle parking. The applicant also carried out a survey which confirmed that there are 78 on street cycle parks within 80m of the site, which is typically only 60% utilised. On this basis, the provision of public cycle parking is considered sufficient.
- 9.41. In addition, 40 secure, covered cycle parks would be provided within the building for residents and staff which is sufficient to meet policy requirements, having been reduced to ensure improved circulation following Highway Officer comments. It is noted that Highway Officers still have concerns over the internal layout of the cycle parking, but the layout is considered to provide a good balance between maximising cycle storage numbers, while providing practical circulation space. It is also of note that there is no adopted guidance regarding cycle parking dimensions.
- 9.42. Deliveries to the site would be made via an existing loading bay on Caledonian Road. Swept path analyses have been provided to show that this can be used safely when the disabled parking space is introduced. Given its predominantly residential use, the number of vehicles forecast to use the loading bay as a result of the proposed development is not considered to result in an unacceptable impact on highway capacity.
- 9.43. Overall, particularly as it would be car free, the proposal is considered to provide a development which would be sustainable in transport terms, encouraging car-free travel, in a sustainable location, so accords with both planning policy and national guidance which notes that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

106 Agreement:

- 9.44. 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
 - Developer Contribution

Conclusion:

- 9.45. The proposed development would provide 60 student units, contributing towards the need for purpose-built student housing in the city. The site is in a location

identified for the provision of student accommodation, on the sustainable transport corridor of Lewes Road. The provision of 60 student bedspaces in a purpose-built building would not only add to the much-needed stock of accommodation for this sector but would also reduce pressure to convert homes to Houses in Multiple Occupation.

- 9.46. The application has evolved from pre-application stage and within the course of the current application such that design concerns have been successfully addressed, with regard to appearance, quality of internal space, provision of communal amenity spaces, landscaping and biodiversity, which would allow for the provision of PBSA in an area allocated for such development and the benefit of a new flexible retail/café unit. It is recognised that the site is currently underused, and officers recommend support of this scheme which makes a positive and efficient use of the site.
- 9.47. As such it is considered that and in conjunction with appropriate conditions and obligations, the recommendation is to support the application.

10. EQUALITIES

- 10.1. The scheme would include three wheelchair accessible units, with an internal lift provided along with a disabled parking space on Caledonian Road.