

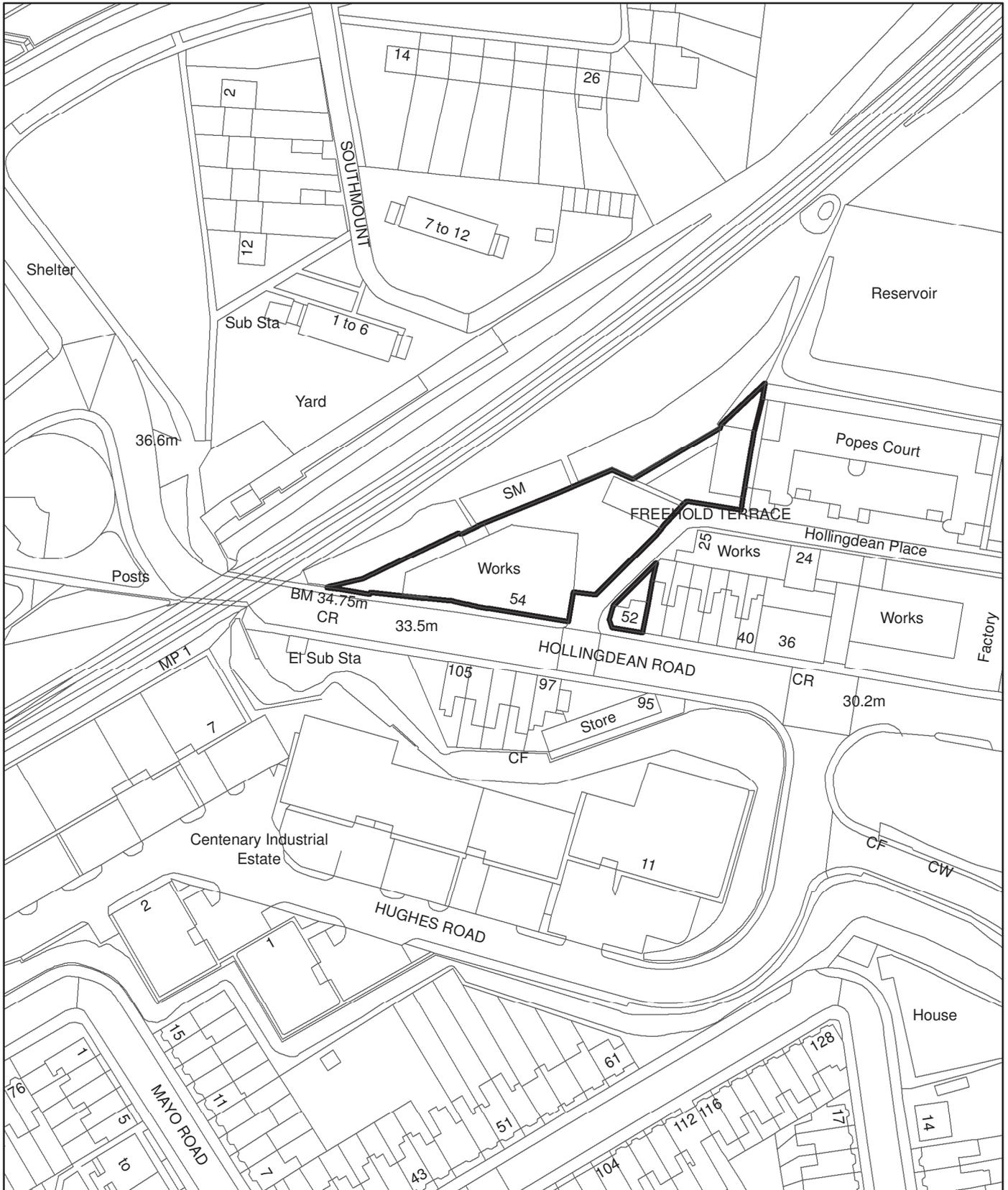
ITEM A

Land at 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton

**BH2014/01637
Full planning**

10 DECEMBER 2014

BH2014/01637 54 Hollingdean Road & 46 Freehold Terrace & 52 Hollingdean Road, Brighton



Scale : 1:1,250

<u>No:</u>	BH2014/01637	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton		
<u>Proposal:</u>	Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (180 cluster bedrooms, 19 studios and 6 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	12 June 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 September 2014
<u>Listed Building Grade:</u>			
<u>Agent:</u>	DMH Stallard, Gainsborough House, Pegler Way, Crawley RH11 7FZ		
<u>Applicant:</u>	Hollingdean Road (No 1) LLP, c/o DMH Stallard, Gainsborough House, Pegler Way, Crawley RH11 7FZ		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The main site is irregularly shaped and has a total site area of 0.16 hectares and comprises 3 different properties. The site gently rises to the rear (north) so that the difference in site levels from front to back is on average 1.5m. 54 Hollingdean Road is currently occupied by a digital printing company called 'One Digital' and comprises a single storey flat roofed main building (Building A on the existing submitted plans) which has been extended fronting Hollingdean Road and a 2 storey building at the rear which flanks Freehold Terrace (Building B). Freehold Terrace is a very narrow road which runs along the east side of the site and then turns sharply eastwards. The site boundary comprises a 3 – 3.5 metre high brick and flint wall onto Hollingdean Road and a brick wall of the same height along the perimeter fronting Freehold Terrace.

- 2.2 No. 52 Hollingdean Road is a two storey Victorian end of terrace property adjacent to Freehold Terrace. The former shop unit was occupied as a florist but the shop floor has not been used by the owners since they bought the site. The unit is used mainly to provide a street presence for the business with advertisements in the windows. Part of the ground floor and the first floor provides residential accommodation which has been self contained vertically. It is occupied by students. None of these works to self contain the residential accommodation appear to have been authorised according to the planning history. The only planning record is to a ground floor rear extension to provide a bathroom which has been implemented.
- 2.3 No 46 Freehold Terrace (Building C) is a derelict 3 storey brick built industrial building which is accessed at the bend in the Freehold Terrace highway. The building has been vandalised and was until recently occupied by squatters. The building is adjacent to the west flank of Popes Court which is a part 3 and part 4 storey flatted development which fronts Freehold Terrace.
- 2.4 The west flank of Popes Court does not have any windows directly facing the site except towards the rear which is set back from the boundary with No. 54. These existing windows face onto the boundary wall or open space at the rear of No. 54 and the woodland beyond.
- 2.5 Adjacent to No. 52 Hollingdean Road is the remaining terrace of 2 storey dwellings Nos 50-40 (even) which have small rear gardens. To the rear of dwellings on Hollingdean Road on the south side of Freehold Terrace are some 2 storey industrial buildings currently occupied by an electrical company. The western flank of this building is opposite Building B.
- 2.6 The northern boundary of the site at the rear is enclosed by the steep embankment above which the Brighton to Lewes railway line runs. The line crosses Hollingdean Road on a bridge which almost abuts the western corner of the site. The top of the railway bridge parapet is 9 metres above ground level. The embankment features a heavily wooded belt of mature trees, mainly sycamores, which provide a backdrop for the site when viewed to the west. Some younger and smaller sycamore trees have self seeded on top of the boundary wall and are growing into the site.
- 2.7 Opposite Building A on Hollingdean Road is a small terrace of 5 x 2 storey dwellings (Nos. 97-105). Adjacent to the west of these dwellings and abutting the railway bridge is an open yard used for second hand car sales. To the rear of Hollingdean Road is the Centenary Industrial Estate which comprises large metallic clad industrial warehouse buildings which overlook Hollingdean Road.
- 2.8 On the east side of Hughes Road is a recently constructed 5 storey block of flats ('Diamond Court') at 49-57 Hollingdean Road. The north side of Hollingdean Road east of the application site comprises two groups of three storey terraced houses from different eras with a two storey industrial building in between which is still occupied.

- 2.9 To the west of the railway bridge and embankment is the Municipal Waste Transfer Station, another large metallic clad building which can be seen from elevated viewpoints in the neighbourhood. To the North West is an uncovered stonemason's yard which abuts the railway embankment and further west some low rise blocks of flats on Southmont, accessed from Davey Drive.

3 RELEVANT HISTORY

52 Hollingdean Road

BN.74/599 Single storey rear extension to form bathroom Grant 09.07.74

54 Hollingdean Road

BN.75/1062 Erection of offices to existing print works. Grant 29.07.75

BN.73/2957 Erection of office block and printing works. Grant 09.10.73

46 Freehold Terrace

BH2012/03557 Demolition of existing buildings and erection of a four storey building with office space (B1) on ground and lower ground floors and 21 rooms of student accommodation (sui generis) above, with solar panels to roof and associated landscaping. Grant 03.05.2013

BH2012/01789 Demolition of existing buildings and erection of a four storey building with office space (B1) on ground and lower ground floors and a total of 8no residential units above, with solar panels to roof and associated landscaping. Grant 08.01.13

BH2011/03218 Demolition of existing buildings and erection of 2no. three storey buildings with a total of 9no two bedroom residential units with solar panels to roof and associated landscaping. Refused 19.01.12

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of buildings A and B on Nos. 54 Hollingdean Road currently occupied by a digital printing firm and the derelict No. 46 Freehold Terrace (Building C). No. 52 Hollingdean Road would be converted into a reception office and laundrette for the student accommodation. In place of the print buildings, the proposed development would comprise 205 student units in a building of 3, 4, 5 and 6 storeys. Within the total of 205 bedrooms would be 19 studios and 6 accessible rooms. On No. 46 Freehold Terrace the proposal is to erect a four storey block of affordable residential units.

54 Hollingdean Road (student accommodation)

- 4.2 The front of the development would face south onto Hollingdean Road and would comprise a three storey element which would be set back 1.9m from the back edge of the footway which denotes the site boundary to enable a generous landscaping scheme to be planted. The ground, first and second floors of the frontage building would each provide 2 clusters of bedrooms. All of these rooms facing onto Hollingdean Road would have oriel windows to prevent direct overlooking into residential dwellings opposite. The separating distance across the road would be 15.2 metres. The western end of the terrace closest to the railway embankment would be splayed back away from the frontage. At lower

ground level under the eastern end of these units would be a large refuse store with a bin lift up to ground level at the corner of Freehold Terrace.

- 4.3 The remainder of the student development would back onto the railway embankment and would face south east. It would be set back from Freehold Terrace at the south east corner of the site by 9.7 metres but at the corner of Freehold Terrace adjoining Building B, it would be 0.7m behind the site boundary. The building would have a central projecting angled element which would abut the boundary on Freehold Terrace for 4.5m. This projecting element would be the ground floor entrance and would provide two studio units per floor above. The proposed student block would be built up to the current boundary between Buildings B and C at the corner of Freehold Terrace but its east facing flank would be angled to face directly onto the existing west flank of the current Building C.
- 4.4 At the rear basement level of the main building, there would be a student common room with an external landscaped area backing onto the embankment. At the eastern end of the building at basement level would be a large underground cycle store for 200 cycles. There would be ramped access for the cycles from the ground floor and lift access to the student common room from above.
- 4.5 At third floor level, the south western end of the building would feature a curved glazed corner providing a shared kitchen diner which would project forward above the floors below to within a metre of the site boundary. A more solid adjacent element would be adjacent providing two bedrooms. The majority of the south frontage would be set back 2.9 metres from the site boundary onto Hollingdean Road and at the eastern end of the frontage buildings there would be a landscaped garden area of approximately 40 square metres to the corner of Freehold Terrace. The remainder of the third floor would duplicate the three levels below.
- 4.6 At the fourth floor, the south western end would be cut back 7.5 metres and a green roof and landscaped garden area provided abutting the railway embankment. The remainder of this level would be similar in layout to the floor below.
- 4.7 At the fifth floor, the south west corner would be cut back a further 4 metres to provide a green roof and the south east facing corner would be cut back 1.5 m to provide small landscaped garden of approximately 30 sq m. At the north eastern end of the block, there would be a cut back of between 4.5 – 6 metres away from the proposed affordable flats to provide a green roof level with the pitched roof of the affordable block. The highest part of the rear elevation of the student block would be 16.5m in height above existing ground levels whilst the height of the front elevation onto Hollingdean Road would be 9 metres above back edge of pavement level. Therefore this development would not constitute a tall building as defined in SPG15 Tall Buildings.
- 4.8 At flat roof level, the student block would feature a green roof together with a row of photovoltaic solar panels along the spine of the roof.

- 4.9 The elevations of the three storey frontage element would be clad in white and light grey coloured Trespa whilst the upper elevations would be in a variety of 'woodland' colours (greens, browns etc) which would pick up on the woodland backdrop but also provide a contrast to the three storey element. The eastern end of the main part of the building steps down to meet the height of the block of affordable flats but its flat roof would also be set back from the pitched roof profile of the flats. At the south western end, the elevations step down gradually to meet the height of the railway bridge. The fourth floor shared kitchen which has a glazed elevational treatment would be 3.3 metres above the parapet of the bridge and would be supported on columns.

46 Freehold Terrace (Affordable housing)

- 4.10 The block of flats would be sited generally on the footprint of the existing derelict Building C but would be wider at the rear. There would be a separating distance of 0.6 metres between the east flank of the student block and the residential block, but neither flank walls would have any windows. Due to the site levels, there would be ramped access down one metre to the entrance lobby of the flats as well as external stairs for means of escape. Adjacent to the basement lobby, would be an indoor cycle store for 17 cycles and an enclosed refuse area at the rear. The east flank of the proposed building would be 1 metre from the boundary with Popes Court and 3 metres from its flank wall.
- 4.11 The ground to third floors would each have 2 flats as a one bedroom and a two bedroom unit. The one bedroom flats would have lounge/kitchen/diners whilst the 2 bed flats would have separate kitchens. Living rooms would face south and bedrooms would be at the rear facing the embankment. The proposed 2 bed flats facing Popes Court would each have a single kitchen window per floor facing onto the blank west flank wall of Popes Court at 3 metres distance.
- 4.12 The front wall of the proposed block would project forward of Popes Court adjacent by 3 metres just as the current building does. The rear wall would not project beyond the rear elevation of Popes Court where the two buildings are adjacent although Popes Court does extend further to the rear at 6 metres from the boundary and has habitable rooms with windows on its west flank facing the proposed flats.
- 4.13 The front elevation of the block of flats is similar in profile to the adjacent Popes Court and is a modern design with a shallow gabled front pitched roof. The roof slopes would not meet to form a ridge as a feature of the design. The flats would have large pane windows from floor level with Juliette balconies. The eaves of the roof would align with the eaves of the larger block at Popes Court at 12 metres above pavement level and 14.5m to the highest point of the roof. The rear elevation being wider than the front would have a longer west sloping roof. The proposed materials are 'Trespa' cladding in a mix of shades of white and grey with slim anodised aluminium window frames.
- 4.14 The front boundary treatment would provide an open aspect into the site by removing the existing high boundary walls which surround the site. The front

elevations of the student building are broken up by a series of changes in levels as described and the projecting central element.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seventeen (17)** letters of representation have been received from (1; 2; 6; 9; 13; 18; 23; 26 Popes Court, Freehold Terrace, 20; 28 Freehold Terrace; 46 Hollingdean Road (2 letters); 3; 4 Popes Folly; 10; 20 Diamond Court, 49-57 Hollingdean Road;) objecting to the application for the following reasons:

- Overcrowding
- Noise and disruption late at night;
- Zero parking policy is impractical;
- Parking in Freehold Terrace is limited already.
- Additional rubbish on streets
- Overlooking, noise and loss of privacy from roof gardens.
- Structural surveyor needs to check all of the houses before demolition commences.
- Parking and access already poor. Cars parked illegally on double yellow lines and pavements cause difficulty manoeuvring and prevent pedestrians walking on pavements. Problems for emergency services and refuse collection access is already a problem
- Fly tipping already experienced at the beginning and end of terms.
- Overdevelopment and loss of privacy
- Overshadowing
- Access for residents during construction works.
- Insufficient space for carers to pick up residents
- Pavement not wide enough for wheelchairs
- Popes Court flats have disabled occupants who suffer from illegal parking on disabled parking spaces
- Inadequate street lighting.
- Increased traffic congestion; Freehold Terrace already used as a rat run
- Objection to 6 storeys of development.
- Noise and dust during construction causing additional health problems for those with breathing difficulties
- Construction lorries will cause congestion and could impede emergency vehicles.
- Social housing would be more acceptable. Enough student units built already
- No parking provision; will lead to more disputes
- Security concern opening up access beside flat (Popes Court)
- Buildings not suitable or in keeping with the area.
- Loss of trees; how many will be replaced?

5.2 One letter has been received from **134 Springfield Road** near London Road Station concerned about potential damage to two 1920's/30's period lamp columns. Would wish to see them relocated to near the station where previous

examples have been removed in the past and replaced with modern lamp columns.

5.3 Following re-consultation **seven (7)** letters of representation have been received from **11, Southmont; Flat 9, Popes Court; 28 Freehold Terrace; 42, 46; Flat 10 Diamond Court, 49-57 Hollingdean Road; 4, Popes Folly, Freehold Terrace** objecting to the application for the following reasons:

- Inadequate refuse collection service already
- Residential area will suffer noise and disturbance from students housing;
- Students make the most mess and have no regard for sanitation
- No infrastructure to support another 250 people
- Student housing should be built out of town near the University.
- Area cannot cope with the amount of traffic
- Not appropriate area for students with families and disabled people nearby
- 8 affordable units not enough
- Parking and deliveries will be impossible
- Loss of trees for a plant room
- Public park behind Popes Folly will not be safe for children
- Changes will not make a difference to previous concerns
- More drunk students
- Parking cannot be policed as well as students arriving and departing with their belongings.
- University should buy up all of the cottages adjacent to the site instead of building large developments.
- Affordable homes would cause loss of privacy and light to Popes Court.
- Illegal parking and lack of pavements make pedestrian access difficult already.
- Area suffers from recent resident parking schemes nearby.
- Refuse lorries and emergency vehicles cannot gain access.
- Fly tipping is a current problem and will become worse.
- No objection to affordable housing block or change of use of No.52 to a management suite.
- Development should be refused and a more appropriate scale of development applied for as on neighbouring sites. The set back of storey heights is not sufficient.
- Student housing should have 24 hour security and not be reliant on student wardens.

5.4 **Brighton & Hove Economic Partnership:**

Support The economic case for more student accommodation has already been recognised in the City Plan. The Partnership would urge approval of this application on the following grounds:

- It will contribute to ensuring that Brighton remains an attractive location for students although not enough to meet demand.
- The student accommodation provision would help to free up family housing.
- The location being somewhat isolated from high density residential neighbourhoods is ideal for student housing.

- The location is within walking distance of the University of Brighton and sustainable transport routes to the University of Sussex but also close to the City Centre.

East Sussex Fire and Rescue:

- 5.5 No comment as far as access is concerned however fire hydrant provision should be shown on the plans.

Environment Agency:

- 5.6 Comment. Consider that planning permission could be granted to the proposed development as submitted if planning conditions are included. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and would object to the application. Conditions requested relate to contaminated land risk assessment, verification of remediation strategy, discovery of contamination, Sustainable Urban Drainage System infiltration, piling, surface water drainage.

Network Rail:

- 5.7 Comment As the application site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection South East team prior to any works commencing on site and signs up to an Asset Protection Agreement with us. The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

Southern Water:

- 5.8 No objections.
There is inadequate capacity in the network to service the development. Request condition and informative that the developer contact Southern Water to enter into a formal agreement to provide the necessary infrastructure. Request an informative that formal request to connect to water supply is required. Request that where a SUDS scheme is to be implemented, the drainage details shall specify the responsibilities for implementation, a timetable for implementation and a management and maintenance plan.

Sussex Police

- 5.9 Comment. Disappointed that there is no mention in the Design and Access statement that crime prevention measures would be incorporated into the design. Security is mentioned in the Student Management Plan. Recommend that management liaise closely with the Neighbourhood Policing Team as well as seeking dialogue with the local community. Appropriate safe pedestrian routes should be marked and traffic calming measures considered. Recommend a controlled lockable gate pedestrian gate at North East entry point to the development is vulnerable. Lobbies should have dawn until dusk lighting. Recommend CCTV. Secure by design cycle storage is recommended.

- 5.10 In order to effectively provide the current level of policing to the increased population, developer contributions towards the provision of policing infrastructure will be required. Sussex Police is therefore seeking a financial contribution towards the provision, maintenance and operation of Sussex Police infrastructure in the policing of the Brighton area.

UK Power Networks:

- 5.11 No objections to the proposed works.

University of Brighton:

- 5.12 Confirm the University's support for the student accommodation at the proposed development at Hollingdean Road. In accordance with policy CP21, it is our intention to enter into a formal agreement with the applicant to obtain sole occupancy of the student accommodation for University of Brighton students. The beds will be meeting a requirement that has already been identified based upon student number projections and our current and planned estate. It is our preference that that our students reside in purpose built and managed accommodation rather than HMO's as it is easier to manage.

Internal:

- 5.13 **Arboriculture Officer:** No objection.

Subject to a suitable condition being attached to any planning consent granted requiring an Arboricultural Method Statement there are no objections. It is not necessary to remove any trees to facilitate the development, however, there are several self-sown sycamores, now becoming quite large trees that are growing out of the flint retaining wall. The Arboriculture Section would recommend that these trees are removed in the interests of sound arboricultural management.

- 5.14 **Ecology:** Support

The Crespin Way Site of Nature Conservation Importance (SNCI) lies approximately 345m north east from the site. Given the nature, scale and location of the proposed development, it is considered unlikely that there would be significant impacts on that SNCI or any other sites designated for their nature conservation interest. The site has minimal biodiversity interest. There was no evidence of bat roosting and the site offers minimal opportunities for foraging. However the broad leafed woodland adjacent to the North West boundary of the site would provide such opportunities. To minimise the impact of lighting on bats, a sensitive lighting scheme should be required to be submitted for approval by condition.

- 5.15 Two trees are identified for potential removal at the south west end and should be checked for the presence of protected species. All demolition works should be carried out outside of the breeding season. No mitigation works are required for the development itself. The recommendations for enhancement opportunities identified in the Extended Phase 1 Habitat Survey should be supported. The proposal to incorporate roof gardens designed for biodiversity and amenity and chalk grassland green roofs is strongly supported.

5.16 **Economic Development:** No objections

The Senior Economic Development Officer has no adverse economic development comments to make in respect of the application subject to further information around the unviability of the provision of some employment space in the scheme.

5.17 The site is not best suited for modern business practises due to its location and layout. The site comprises of a number of small buildings with extensions which have suffered from a decline in condition and the applicant states that the buildings are beyond the point of further upgrade without total redevelopment.

5.18 The existing owners are wishing to dispose of the site to facilitate their relocation to a newer modern premises within the city to meet their business needs which is welcomed and fully supported as this will safeguard the business and the jobs within the business.

5.19 If approved, the Senior Economic Development Officer requests a contribution through a S106 agreement for the payment of 13,500 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phases.

Environmental Health:

5.20 Comment No objections on grounds of air quality. Retention of no 52, Hollingdean Road as part of the development for laundry and office does keep the street enclosed to some extent as before. The proposal is likely to be marginally better for air quality due to:

- New buildings set back from the kerb with front-garden space between living quarters and traffic emissions
- Removal of wall parallel with Hollingdean Road
- Slightly less traffic from the site

5.21 Whilst it might be hopeful to assume tree planting will absorb and reduce NO₂ this will certainly help the visual environment and foliage can provide additional surface area for the deposition of particles.

Gaps between trees, buildings and roofs increase likelihood of the channelling of fresher air and avoid creation of an enclosed street environment where traffic emissions can become concentrated.

5.22 Based on the limited information presented suggest that both noise and land quality/potential contamination are issues which need to be carefully considered. Reports should be carried out and presented prior to implementation stage demonstrating that these have been examined.

5.23 The site is immediately adjacent the railway and indeed a busy highway. As such I would expect to see a robust acoustic report which details a longitudinal survey and collates background noise levels. From these I would expect to see an assessment of current best practise, references to appropriate British Standards to ascertain what degree of protection is necessary for the end users. As

students, one should consider a higher degree of protection as they may only have their room in which to study, see table 5 in BS8233. With any recommended enhanced glazing may also be a requirement for a more elaborate ventilation system and prior to implementation I would expect to read some commitment as to how the applicant was proposing to tackle this. The report must consider both road and rail aspects and the design to reflect these. I would also expect to see an assessment of any adjacent noisy commercial units.

- 5.24 Given the mixed commercial/student units, I would also expect to see some consideration of sound insulation in excess of part E of the building regulations to protect the students. This might relate also to certain uses, ie site layout.
- 5.25 The applicant should be aware that the site is thought to have localised contamination as a result of its past uses. Historic mapping suggests a gas works with what appears to be a number of gas holders from 1875, 1898 and 1910 accordingly. On the 1930's mapping this seems to have disappeared and later references relate to a builders yard. More current uses suggest printing works. As such I would expect to see a professional report with a robust desk top survey at the very minimum which identifies a conceptual site model and any plausible pollutant linkages which need to be further investigated. Any proposed investigations should have references to National current guidance in respect of managing potentially contaminated land and be targeted and proportionate in their approach. I would also expect to see references to appropriate technical documentation such as the Environment Agency's assessment model of types of contaminants. Given the sensitivity of the aquifer below, and the past uses, I would strongly recommend that early engagement is had with the Environment Agency planning liaison team.

Revised comments

- 5.26 Recommend approval, subject to conditions to deal with noise, potential land contamination and lighting.
- 5.27 However, such further works must as a minimum include the following works:
1. Further consideration of the former printers use in quantifying the conceptual site model
 2. The Site Investigation must reflect the intended end uses and have reference to accurate plans including areas of soft landscaping, basements and any residential uses potentially with garden/amenity areas.
 3. A full and robust gas risk assessment in line with Construction Industry Research and Information Association (CIRIA 665) standards.
 4. Rationale as to why such works have been chosen over others.
 5. Any new report must include an options appraisal prior to arriving at a remediation decision or suggestion.
 6. Radon, whilst referenced in the desk study did not seem to make any appearance in the further site investigation. Given the basement uses include common rooms; it is critical that a degree of investigation takes place to adequately assess the risks posed from radon.

- 5.28 A discovery strategy is also necessary, especially given the sites past uses to deal with any accidental or unexpected findings during the construction period. Again, this may be applied via a condition.
- 5.29 A study with two monitoring positions has characterised the site and deemed that a degree of intervention is necessary to protect the end users of the site. These are summarised in Table 7 of the report which is replicated below. Discussion with the report authors identifies that these mitigation measures are applicable at all storeys.
- 5.30 *“7.7.3.2 Design criteria for external noise- For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments”*
- 5.31 This is closely linked with the World Health Organisation Guidelines on community noise dated 1999 which suggests that moderate annoyance for outdoor living spaces begins at 50dbLAeq, 16 hour with serious annoyance at 55dB, LAeq, 16 hour. Whilst the levels indicate that such spaces might not offer tranquil living, it should be recognised that the site is in fact located between a main road and a railway line.
- 5.32 Similarly, there are a number of uses which can often conflict with normal living. In particular, with the basement uses, I note that lifts, refuse areas, a plant room and a common room are all located below bedroom units and as such will require an enhanced level of sound proofing to ensure that the end residents are sufficiently protected against noise. Whilst I recognise that part E of the building regs exists, such mixed uses will require a level of protection above and beyond this and may be secured via a condition.
- 5.33 Such a site will inevitably have construction site noise, deliveries etc and for this reason it is strongly recommended that a Construction Environment Management Plan (CEMP) is either secured via a section 106 or alternatively, secured through a condition.
- 5.34 I also note the student management plan written by CRM dated November 2013. Whilst a lot of reference is made to controlling on site noise and kerbing anti-social behaviour, little reference is made to impact on other adjacent uses such as housing, flats etc. I would strongly recommend that the document is revised making it tailored to the specific site and noise escape and control of open areas.
- 5.35 I was unable to find any evidence of a lighting plan throughout the documentation. Such a plan is necessary to ensure that any new lighting does not adversely impact existing residents or newly introduced residents. As such a lighting condition is necessary is ensure that both horizontal and vertical luminance is appropriately considered and importantly, that it is considered in line with Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011). I feel that the site falls into zone E3 for appropriate further measurements to be made against.

5.36 Housing Strategy: Support.

Welcome the scheme as it will help to assist to achieve our aims of mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need. We note the developer is offering 8 units of affordable housing which is an increased provision against the previously proposed use of mixed commercial/residential use. At least 10% of the affordable should be fully wheelchair accessible. All units should be managed by a Registered Provider of affordable housing. The tenure split should be 55% rented and 45% intermediate housing. All new schemes should be built to meet or exceed the Homes and Communities Agency's current Design and Quality Standards and Code for Sustainable Homes Level 4 as well as meeting Secure by Design principles. The preferred affordable mix would be 30% one bed units; 45% two bed units and 25% three bed units.

5.37 Planning Policy: Comment

The loss of the existing industrial buildings at 54 Hollingdean Road and 46 Freehold Terrace is considered to be acceptable under the criteria in Local Plan EM3 and City Plan Policy CP3. Although the shortage of student housing in the city is acknowledged, these policies require that consideration should first be given to alternative industrial/business uses, followed by affordable housing, when a site has been demonstrated to be genuinely redundant. Both sites are identified in the SHLAA as being suitable for new housing development, with the indicative 18 dwellings for 52-54 Hollingdean Road implying a mixed-used employment and residential redevelopment of this part of the site. It is considered that, should genuine redundancy of the site for employment uses be demonstrated, then the location and nature of the site means that, in this instance, student housing provision could be acceptable rather than general housing. However, insufficient evidence has been submitted to demonstrate that an element of employment floorspace could not be retained as part of a mixed use scheme. Evidence is also required of which educational establishment would use the student accommodation.

Revised comment

5.38 Further marketing information has been submitted by the applicant to support the application. This provides further evidence that the existing buildings are unsuitable for modern employment needs for the reasons already set out above. A viability assessment has been submitted which examines the possibility of re-providing 422m² of commercial accommodation on the site. This concludes that such a scheme would have a negative land value and would therefore be unviable. However, it only examines the viability of 422m² of commercial floorspace, rather than assessing a scheme than incorporates full replacement of the 1,086m² that would be lost.

5.39 A letter from Brighton University has been submitted to support the application which confirms that the University will enter into a formal agreement with the developer for sole occupation of the development by the University's students, in doing so meeting an identified requirement based on student number projections. This is considered satisfactory to meet criteria 6 of part (i) of Policy CP21.

- 5.40 The policy supports proposals which improve further and higher education provision in the Lewes Road area as part of the development strategy for the area. Furthermore, the particular characteristics of this site, being adjacent to a railway embankment and an awkward road layout, are considered to make the site more suitable for short term residential accommodation.
- 5.41 It is a finely balanced judgement, but taking all issues discussed above into account, the provision of student housing rather than general housing is considered to be acceptable in this instance.
- 5.42 Further viability information would be welcomed in order to demonstrate full compliance with Local Plan Policy EM3 and City Plan Policy CP3

Final Comment:

- 5.43 The viability assessment that has now been submitted by the applicant, appraises a hypothetical new build B1 office of 1,620m² plus 15 car parking spaces on the site at No.54 Hollingdean Road (excluding No. 46 Freehold Terrace), and also a smaller scheme of 1,080 m². The appraisals have both been independently considered by the District Valuer, who has confirmed that the appraisals are based on reasonable assumptions, and concur with the applicant's conclusions that neither scheme would be a viable proposition. It has therefore been satisfactorily demonstrated that the provision of modern replacement employment floorspace on the site would not be viable.
- 5.44 **Planning Projects (Public Art): Comment.**
To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement as follows:
- 5.45 The Developer covenants with the Council to pay the Council the sum of £29,700 on Commencement of Development as a contribution to the Council's Public Art Scheme Or:
- 5.46 The Developer covenants with the Council to install on the Property an Artistic Component to the value of £29,700 including installation costs prior to first occupation of the development in accordance with the Council's Public Art Policy.

Sustainability: Comment

- 5.47 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 5.48 Under supplementary planning document SPD08 major new built development on previously developed land is expected to achieve BREEAM 'excellent' and 60% in energy and water sections, and Code for Sustainable Homes (CSH) Level 4.
- 5.49 The applicant has submitted a Code for Sustainable Homes (CfSH) pre-assessment report showing how Level 4 could be achieved for the residential scheme.

- 5.50 A BREEAM 'Multi Residential Pre-assessment report has also been submitted showing how an 'excellent' standard could be achieved. The targeted scoring indicates that the energy section can score 59.35% and the water section 66%. These largely meet the recommended scores expected of major development, though the energy section is short by 0.75%. It is recommended that if approval is granted the development be conditioned to the recommended standards and the applicant should be encouraged to achieve the extra 0.75% in the energy section.
- 5.51 There is very little sustainability information to support this application. The Design and Access Statement does not refer to sustainability. The sustainability checklist which was completed online and submitted responds 'no' to several of the questions asking whether certain measures will be installed across the different categories, though this contradicts information in the Code and BREEAM pre-assessment report. For example, water efficiency scores reasonably well under BREEAM and CSH but no measures are referred to in responses given in the sustainability checklist. This indicates that whilst appropriate pre-assessments have been undertaken, the conclusions have not been incorporated across the design and planning team which is disappointing.
- 5.52 If the targeted credits in the BREEAM and CSH pre-assessments are achieved, the scheme will address sustainability policy in all its aspects. Many positive measures are referred to; the achievement of these overall standards meets recommended standards set out in SPD08 and addresses Local Plan Policy SU2.
- 5.53 Positive aspects of the scheme include: BREEAM 'excellent; Code for Sustainable Homes Level 4; communal gas CHP; renewable energy generation: photovoltaic panels; 25% reduction in CO2 emissions; green infrastructure enhancements including tree planting, shrub landscaping and green roof using local seed mix; efficient fabric; energy efficient white good; efficient lighting; sustainable materials; achievement of Lifetime Homes criteria; use of Considerate Constructors Scheme; waste management plan diverting 70% of non-demolition waste is diverted from landfill (student halls under BREEAM) and 85% (residential under CSH); provision of communal composting for use of student halls and residential scheme; water efficiency measures.
- 5.54 Approval is recommended with the following suggested conditions:
- BREEAM Multi Residential 'excellent' with 60% in energy and water
 - Code for Sustainable Homes Level 4 for the residential scheme

Revised comment:

- 5.55 Recommend approval.
A BREEAM 'Multi Residential Pre-assessment report has also been submitted showing how an 'excellent' standard could be achieved. The targeted scoring indicates that the energy section can score 78% and the water section 66%.
- 5.56 These targeted standards meet the recommended scores expected of major development.
- 5.57 Whilst there is little sustainability information submitted to support this application, the overarching policy standards have been addressed.

- 5.58 Approval is recommended with the following suggested conditions:
- BREEAM Multi Residential 'excellent' with 60% in energy and water
 - Code for Sustainable Homes Level 4 for the residential scheme

Sustainable Transport: Comment.

- 5.59 Several substantial issues arise from this application and further work is required for it to be acceptable.
- 5.60 Car parking amounts- No general parking is proposed. As SPG4 general parking standards are maxima this is acceptable provided that there is appropriate provision for sustainable modes and no displaced parking is likely to arise.
- 5.61 The TA states that car ownership will be discouraged by means including the student's tenancy agreements and that there is ample spare parking in the area. However the Council's legal advice is that tenancy agreements cannot be relied on to prevent residents from using cars. Also, local knowledge and public representations do not support the view that spare parking is available locally. The applicants have not submitted parking surveys to establish the facts. The site is outside the CPZ which means that the remedy of preventing residents from buying permits is not available. It therefore seems likely displaced parking will occur and policy TR2 is not met by the application as it stands.
- 5.62 The applicants propose to provide two disabled spaces for the student accommodation. SPG4 does not set any standard for student accommodation but if the use was standard housing or HMO's the requirement would be for 20 spaces. The affordable housing requires an additional space. The proposed provision does not provide for the 6 accessible units or for ambulant disabled residents, visitors or the affordable housing units and is therefore clearly inadequate. The compensations for on-site provision identified in policy TR18 do not apply here e.g. because there are no local off street car parks or shopmobility schemes, and the only way forward other than a substantial redesign would be to seek provision on street. The application does not meet TR18 as it stands.
- 5.63 The minimum requirement from SPG4 is for 68 cycle spaces for the student accommodation and 3 for the affordable housing. The student accommodation plans show 200 cycle parking spaces in the basement but these are very tightly packed and unusable in practice. Revised plans should be required by condition showing at least the minimum provision to an acceptable standard.
- 5.64 Sustainable modes and contributions- The TA appropriately points out that the application site is at an accessible location which is currently being further enhanced by the Local Sustainable Transport Fund (LSTF) measures, and also commits to the preparation of a travel plan. However little positive action to provide for the travel demand created or maximise the use of sustainable modes as required by policy TR1 is proposed. The applicants have acceptably estimated the likely net person trip generations using TRICS and accurately applied the Council's approved contributions methodology to these estimates and this suggests that a contribution of £139,950 would be required. Although it is accepted that the site is accessible there are defects in local transport

infrastructure, the demand for which would be increased by the development, and a contribution would be appropriate to resolve these. Without this the application does not meet policy TR1.

- 5.65 Travel plan- The applicants have submitted a framework travel plan and the final version of this should be subject to approval by condition.
- 5.66 Start and end of term- This includes consideration of the process for managing student movements to and from the site at the start and end of terms. This does require some further work particularly in the light of the site constraints and a more detailed submission on this should be required by condition to avoid local congestion at these times. The additional measures required include the provision of information on routes to the site to new students, more exact arrival timing slots, and desirably the use of an off site holding car park.
- 5.67 Expected traffic impact and highway works- The applicants have demonstrated acceptably that the amount of extra car traffic generated will not give rise to safety or congestion concerns. They have offered to carry out minor improvements around the site entrance including the provision of a footway from Hollingdean Rd. north side from the west of the site and a TRO to create one way working along the full length of Freehold Terrace. This is positive and should be accepted. A more comprehensive minor scheme involving the provision of a 'table top' surface at the western end of Freehold Terrace around the site entrance would have additional benefits but the absence of this does not constitute a reason for refusal. The highway works should be included in a S278 agreement which should be required by a clause in the S106 agreement. The S278 agreement should include provision for the applicants to prepare the material required (e.g. plans) to enable the advertising of the TRO required.
- 5.68 Do not determine pending further work to comply with policies TR1, TR2 and TR18.
- 5.69 Any consent should be accompanied by-
A S106 agreement which would include an appropriate financial contribution and a clause requiring the applicants to enter into a S278 agreement. S278 would include requirement that the applicants prepare Traffic Regulation Order (TRO) material.
- 5.70 Conditions requiring (1) Revised cycle parking arrangements (2) Deletion or redesign of the parking bay for the management suite (3) Travel plan (4) Revised arrangements for the start and end of term.
- 5.71 Addendum to initial comments No objections.
The application is acceptable subject to the enhancements to the S106 agreement described in the main comment. The plans have been revised to exclude the unsatisfactory parking bay for the management suite described in the main comment.
- 5.72 There are clearly issues regarding disabled and displaced parking with this application. However it is noted that car ownership will be lower for students than

for the general population and it will also be discouraged by the parking problems locally revealed by the survey.

- 5.73 The parking problems also suggest that students who want to use cars would choose to live elsewhere if possible. Government guidance indicates that applications should only be refused if they will cause severe problems and this is not clearly the case here. Although this is a marginal judgement there is no evidence that severe problems would arise and on balance the application is considered acceptable particularly as the applicants have taken all the steps which could be reasonably required to minimise the problems.
- 5.74 Approve with the conditions specified in the main comment and the S106 requirement amended to specify (1) A transport contribution of £139,950 (2) A requirement for the applicants to carry out the local transport study referred to in the comments above. (3) An arrangement to offset the cost of approved works arising from the local transport study against the overall transport contribution above.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public Art
QD7	Design – Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO8	Retaining housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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DA3	Lewes Road
CP3	Employment Land
CP20	Affordable Housing
CP21	Student Accommodation

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP 3d Minimising and managing waste during construction, demolition and excavation.

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to planning policy for employment sites, new student accommodation, design, amenity, transport, sustainability, ecology and landscaping.

Planning Policy:

- 8.2 The application site is included within the DA3 Lewes Road Area policy of the City Plan however it does not have a specific policy allocation for employment, housing or student housing. Part of the site (No. 54 Hollingdean Road) is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having potential for housing possibly 18 units. The figure of 18 is a suggested figure based on a high density of 150 dwellings per hectare and its size. In this case, No 54 by itself is 0.12 of a hectare in size. The number of units suggested in the SHLAA sites is indicative and does not take account of the characteristics of the site such as, in this instance, its irregular shape, the enclosure by a very high embankment and restricted access.
- 8.3 The strategy for the DA3 policy area is to improve further and higher education provision in the area, facilitate sustainable transport infrastructure, secure improvements to the townscape and public realm, deliver inter-connected green infrastructure and biodiversity improvements, improve air quality and deliver developments set out in the policy. It is considered that the proposals would achieve all of these objectives as follows;
- 8.3 There are proposals in the policy DA3 area for further education provision but as part of providing additional academic facilities there would be a need to enhance the quantity and range of residential provision for students. Policy DA3 proposes 1300 student rooms in the area by 2030; 750 are specifically identified at the Preston Barracks site on the Lewes Road. City Plan Policy CP21 identifies the East Slope at University of Sussex for redevelopment to provide an unspecified net increase above the existing 592 student units. A recent outline application to provide student units which included 2000 units (a net increase of 1408 units) on the East Slope was refused last July under ref: BH2013/04337. A relatively small development to provide 39 student units is currently under construction at Nos. 112-113 Lewes Road (BH2010/01824) which pre-dated the 2013 Submission City Plan. An application for to develop 138 student units was refused at Richmond House, D'Aubigny Road (BH2013/02838) and dismissed on appeal earlier this year. A current application at 119 Lewes Road (BH2014/03300) for a development of 65 self contained studio units intended for students is currently under consideration.

- 8.4 The proposal could provide for sustainable transport measures by providing over 200 cycle spaces subject to a detailed layout. A transport contribution could also be secured towards local sustainable transport measures. The development could improve the townscape by the regeneration of this unsightly group of buildings and could enhance this busy but unattractive corridor. The proposal includes green roof space and renewable energy provision and could improve the air quality in the area by setting the front elevation back from the road frontage and planting trees to reduce the canyon effect for vehicle emissions in particular.

Employment

- 8.5 Policy EM3 of the adopted Local Plan and CP3 of the City Plan are particularly pertinent to this proposal. Policy CP3 section 5 states that unallocated sites in B1 use will not be released to other uses unless the site or premises can be demonstrated to be both redundant and incapable of meeting the needs of modern employment. Where release is permitted the preference would be for alternative employment generating uses or affordable housing that would comply with policy CP20 Affordable Housing.
- 8.6 The whole site currently accommodates 1080 sq metres of industrial floorspace. There is an extant planning permission (BH2012/03557) granted on 8th January 2013 in respect of No.46 Freehold Terrace to redevelop it to provide 254 sq metres B1 floorspace with 8 market flats above. This building is entirely derelict and is evidently redundant. The current proposal would provide 8 affordable housing units for rent to be secured by condition. The other two buildings on No 54 Hollingdean Road comprise a total of 740 sq metres of B1 floorspace.
- 8.7 The criteria for the test of redundancy in policy CP3 para 4.39 includes:
- location
 - quality of buildings
 - site or floor layout
 - accessibility
 - proximity to sustainable transport routes and trunk routes
 - other uses in the neighbourhood
 - cost of demolition/refurbishment against its future value for employment uses
 - the length of time it has been vacant, documented evidence of marketing.

Following a site inspection it was clear that the buildings were not fit for purpose and the various additions over the years has resulted in a very tight and inefficient layout. The various extensions have resulted in uneven floors and parts of the building leak water. The occupiers, One Digital, currently operate from 2 separate buildings on the site. Access into the site is narrow and awkward from Hollingdean Road adjacent to which is the very narrow Freehold Terrace. Large vehicles currently make between 2-6 deliveries a day to the site with difficulty and as witnessed by officers have to reverse into the site from Hollingdean Road. A letter submitted from One Digital has confirmed the above and goes on to state that they have spent money trying to refurbish the

buildings but they still are very costly to run due to heat loss, for example. The company have stated their commitment to staying in Brighton & Hove.

- 8.8 The site does have space on site for 10 parking spaces. In its favour the site is close to trunk routes and sustainable routes however delivery routes to the site require the use of the Vogue Gyratory or from the west navigating under the railway bridge a few metres from the site. One Digital leases the site from its parent company 'Carmichaels' and the redevelopment of this site would enable One Digital to relocate to modern premises. They have identified premises at the Woodingdean Industrial Estate which they would wish to move into in the next few weeks. All 22 of its staff would be retained.
- 8.9 The applicants have submitted marketing information as well as a commercial report which seeks to address the employment policy criteria. There has been some interest in the site including from developers; a national retailer; a car lease firm; a packaging and distribution firm; a research lab and an electrical supplies company. The analysis indicates as stated above that poor access and the poor state of the premises which require significant investment are amongst the reasons for not attracting new occupiers. The marketing evidence submitted indicates that the site is not attractive to new occupiers in its present state. In the present circumstances, the current occupiers could not afford to leave unless the site could be redeveloped to help fund the move. Moving into more modern premises would mean a rise in rent.
- 8.10 The applicants have submitted a viability report which sets out what the cost of refurbishing the current buildings for B1 b) or c) light industrial or high tech floorspace on site would be. In the applicant's opinion, the site would not be suitable for re-use as B1a) offices due to the site's out of centre location which would not achieve a sufficient rental to make redevelopment viable. The report demonstrated that the lower rentals achieved for modern light industrial buildings that could physically be provided on the site with good access and servicing facilities would not be viable given the costs required to refurbish the buildings sufficiently in order to successfully re-occupy them for employment use. It would also not enable the current occupiers planned relocation and nor could they remain on site during redevelopment of the buildings. The occupiers 'One Digital' have provided details of their proposed new premises on Woodingdean Industrial Estate and a potential moving in date. The Planning Policy team have therefore accepted that the existing buildings are redundant and could not be re-occupied economically.
- 8.11 The adopted Local Plan policy EM3 g) has very similar criteria to City Plan policy CP3 section 5 in that the suitability of the site for modern industrial purposes will be assessed by the cost of demolition or refurbishment set against its future value for employment uses. A further viability assessment has been submitted by the applicants which seeks to meet this strand of policy as requested by the Planning Policy team. The report sets out the costs and returns of demolition and redevelopment of a modern B1 business unit on site that would replace the existing floorspace (1080 sq m) and was referred to the District Valuer. The assessment also considered the viability of redeveloping the site to provide replacement plus 50% business floorspace over 3 floors with

parking and servicing. The District Valuer has reported back that in both scenarios the land would have a negative land value and such schemes would make a loss. By providing more business floorspace on site than existing, the losses would be greater since adding a third floor which adds to the costs but would not increase the rental returns per square metre. The Planning Policy team are now satisfied that the applicants have submitted evidence that they have explored the re-use of the site for B1 purposes and found it to be unviable. In respect of the Richmond House appeal the evidence did not adequately demonstrate that retaining an employment use on the premises or on the site had been adequately explored and there had been found to be evidence of interest in the site by a prospective business employer.

- 8.12 Policy CP3 does not require existing *unallocated* employment sites to demonstrate whether the site could be redeveloped as a mixed use site for employment and residential use whilst retaining a proportion of B1 business. As explained in the next section of this report, the potential of sites for housing in the SHLAA did not assume the retention of employment floorspace in a mixed scheme.
- 8.13 At a very early stage of the pre-application process, the applicants did illustrate a scheme which retained 421 square metres of B1 floorspace with car parking and service and delivery space. However, the site is an awkward triangular shaped site located up against a steep embankment which creates difficulties in achieving a satisfactory layout. The business requirements for a modern unit resulted in an early proposal for a 9 storey development with 8 floors of student units above the B1 space in one building built hard up against the embankment in order to still provide servicing and parking for the B1 floorspace. This was considered to be unacceptable by officers due to its height and scale and was not pursued.
- 8.14 The awkward shape and small size of the site would still not have overcome some of the access and circulation issues for deliveries, servicing and parking that are a feature of modern light industrial premises that modern firms require. Any living accommodation above would have had very limited outlook to the north at lower floor levels and opportunities for amenity space for residents, for example, would have been very restricted. The applicants were then advised at pre-application stage that social housing might be an acceptable alternative to mitigate the loss of B1 floorspace if the criteria in policy EM3 g) could be met.
- 8.15 The proposals to provide 8 affordable flats at No. 46 are welcomed instead of the approved private housing scheme. The applicants have stated that the units would all be for rent and not shared ownership and would be made available to a Registered Social Landlord. The affordable units can be secured by planning condition in compliance with Policy CP20 but the type of tenure cannot be conditioned. Whilst the approved scheme in respect of No.46 retained some B1 floorspace, this proposal would provide affordable housing.
- 8.16 An important material planning consideration in addition to policy CP3 is that this application would greatly assist an existing local firm that currently employs highly skilled employees in the production of printed material using digital

technology but who need suitable modern premises to be found generally on the City's modern industrial estates. The proposed development would enable the firm to finance a move to such premises. The firm's commitment to Brighton & Hove is welcome and this is an important mitigating factor to be balanced against the conformity with one strand of policy in respect of not providing employment space on the site. In the circumstances, it is considered that these material considerations would justify an exception to part of policy CP3 part 5 which states a preference for alternative employment generators or affordable housing instead of B1 use, notwithstanding there would be 8 affordable units provided in the scheme.

Student accommodation

- 8.17 City Policy CP21 encourages the provision of purpose built student accommodation provided that:
1. There would be no unacceptable impact on residential amenity such as increased noise and disturbance
 2. High density developments will be encouraged in locations where they are compatible with the existing townscape
 3. Sites are located along sustainable corridors where accommodation is easily accessible to the universities
 4. Proposals should demonstrate that they will not lead to unacceptable increases in on-street parking
 5. Proposal should be safe and secure for the occupants
 6. Schemes should have the support of one of the City's two Universities or other existing establishments
 7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites (i.e. in the SHLAA).
- 8.18 Amenity issues will be discussed later in the report as will the impacts on townscape in the design section. The site is considered to be close to a sustainable transport corridor being the A27 which is a 2 minute walk away. Some of the University of Brighton teaching sites would be within walking distance of the proposed student accommodation. Issues around on-street parking will be addressed in the Transport section. The site would be very secure for the occupants. There would be only one point of entry into the building and two entrances into the site itself which are both from the road frontages. The management suite and laundry would also provide an opportunity for formal and casual surveillance of entries into the site. The railway embankment at the rear would provide obvious security against unauthorised entry or threats to personal safety. Notwithstanding the concerns of Sussex Police, the design would contribute to the reduction of crime and improved safety in this location. Some of the other physical measures suggested by the Police could be secured by condition.
- 8.19 The University of Brighton has lent its support to the proposals and has stated in writing its willingness to enter into an exclusive agreement with the applicants to supply accommodation for its students here subject to planning permission being secured. Due to the type of accommodation proposed, the University have said it is likely that it would be better suited to its undergraduates.

- 8.20 The one area of potential policy conflict is in respect of criteria 7 of policy CP21 that the student accommodation is proposed on a part of the site (No. 54) that is identified as having potential for residential development in the SHLAA. The background to the SHLAA has been discussed in para 8.1 above. Other environmental factors discussed below were not assessed either. The demand for on street parking would also be likely to be greater in a residential scheme than a student development in this location outside of a Controlled Parking Zone where the potential for overspill parking is increased.
- 8.21 The location of the site fronts a heavily trafficked main road and backs onto the railway embankment. It is close to the Centenary Industrial Estate and a supermarket service road as well as the Council Waste depot where numerous Heavy Goods Vehicle trips are made which contribute to the poor air quality. The vicinity of the site in a location where background noise levels are relatively high would mitigate residents concerns about noise and disturbance associated with student accommodation. The limited pedestrian and access routes to the site would also be naturally channelled away from most residential areas which would also mitigate these concerns. The format of student accommodation with smaller rooms around communal areas, allows the building to be more flexibly designed to be accommodated into an awkwardly shaped site such as this one. This has been demonstrated by the proposed design which has a number of articulations in responding to the site constraints.
- 8.22 The Planning Policy team have stated that student accommodation could be considered as an alternative to employment or residential uses subject to and having taken account of, the criteria and other material considerations above and have therefore accepted that on balance that student accommodation could be acceptable on this site in this instance. It is therefore considered that given that the development does meet many of the objectives set out in Policy CP21, these other material considerations set out above could justify an exception to Policy CP21 being made.
- 8.23 In terms of developer financial contributions related to the living occupation, the applicants have offered the full contributions towards open space and recreation arising from this development which would be £266,486. Under the employment umbrella, the applicants have also offered the full contribution of £13,500 towards the Local Employment Scheme as well as agreement to the 20% local employment scheme for construction.

Design:

Affordable block

- 8.24 The design and appearance of the affordable housing block is of a similar character to the adjacent block in Popes Court. The scale and height of the block which is 4 storeys above a basement is appropriate to the general scale of development along Freehold Terrace which is a mix of three and four storey blocks. There is sufficient visual interest in the elevations provided by the roof arrangement, the balconies and the cladding to be acceptable. The proposed

colours would be various shades of light browns and greys and would provide a variety of colour in this location.

- 8.25 The Trespa cladding proposed would provide a very smooth surface but it is durable and can be easily cleaned. It is notable that some of the more recent developments in this road which have a smooth concrete or rendered finish to the upper floors are beginning to discolour. The proposed colours are indicative but would provide a welcome variation of colour in this location to the current dull palette applied to more modern developments along this corridor. The proposed colours would provide a mix of subtle shades green, brown, grey and white or cream which would blend well together and with the natural background by picking up seasonal colours. The building would only be prominently visible from the western entrance into Freehold Terrace whilst the top floor would be obliquely seen in the streetscene from the eastern end beyond Popes Court but would blend in with the townscape here. The building would make efficient use of the site but retains a separation from the woodland behind and thus it is considered that the proposal would comply with policies QD1, QD2 and QD3 of the adopted Local Plan.

Student Block

- 8.26 Policy QD1 states that in areas of drab and uninteresting character the planning authority will expect the opportunity to be taken to introduce new buildings and areas of distinction. The Hollingdean Road corridor and the area around the Lewes Road and Vogue Gyratory is the type of area that policy QD1 refers to. More recent residential and commercial developments in the last 10 years have done little to enhance the quality or character of the area. The applicants were encouraged not to follow more recent developments at pre-application stage and to avoid the more recent trend to use grey cladding. Whilst there are elements of grey on the affordable block, the new student buildings intend to relate to the backdrop of the trees and the railway bridge featuring shades of green and brown as well as some white and grey tones. Bearing in mind the background colour would change across the seasons, the proposed colour scheme would seek to provide a mix the colours but also provide some vitality to the townscape in contrast to the predominance of dark grey of the Centenary Industrial Estate, the Waste site and other recent developments. The poor quality townscape in this location is diminished further by the poor air quality which results in the elevations of buildings appearing grimy with deposits. This approach to providing a lighter appearance to the building and the variety in colour is welcomed.
- 8.27 The applicants were also encouraged at pre-application stage to provide a focal point for the development which is proposed by the glazed communal facilities at fourth floor level. The Hollingdean Road frontage of the scheme at 3 storeys would respect the scale of the terraces of houses both historic and modern which are 2 and 3 storey and is acceptable. A feature of the 3 storey element of the development is the set back from the site boundary as requested by officers in order to be able to plant more substantial trees which would soften this harsh urban streetscene and would help to improve air quality where road traffic has a detrimental impact. This element of the development would thus comply with design policies QD1 and QD2 as well as QD15 (Landscape Design) and would

contribute to the streetscene and would enhance the experience for pedestrians on this busy thoroughfare.

- 8.28 The scale of the proposed building would rise where set back from the main road frontage so that in longer views it would form the backdrop to the Hollingdean Road streetscene. The south western end of the development would be sufficiently set back from the road frontage and would retain a respectful distance from the railway bridge so that it would not intrude into its presence. The railway bridge is the only architectural feature of interest in the streetscene when viewed to the west with the exception of the former water pumping station closer to the Vogue Gyrotory.
- 8.29 The scale of the building as it rises to fourth, fifth and sixth floor levels would be significant but the impact of its scale would only be apparent from shorter range. Following pre-application discussions, the scale of the development was significantly reduced in order to avoid any intrusion into views from the western side of the railway bridge and the backdrop of the Roundhill Conservation Area. The proposal would not have any impact on the setting of any conservation area thus compliant with policy HE3 of the Local Plan. The railway embankment provides a semi natural screen for the development from the west.
- 8.30 The elevations would be broken up by the series of set backs from Hollingdean Road as well as the central projecting feature and more set backs at the eastern end. The creation of two architectural treatments for the three storey frontage terrace of student units and the main student block also helps to break up the bulk of the development into separate elements. Another design approach for the affordable flats would add a distinctly different design to visually draw distinction between the student units and the flats whilst retaining some shared elements such as the materials.
- 8.31 Viewed from the eastern end of Hollingdean Road the upper levels of the development would be visible above the dwellings on Hollingdean Road and the industrial units on Freehold Terrace. In mid distance views, the 5 storey 'Diamond Court' dominates the roofscape in a discordant manner. In proximity to Hughes Road, the proposed development would become apparent but would be set back from the current One Digital building line which is visible now, thus the proposed frontage would be a discreet element in the streetscene. This would contrast with the very dominant tall metallic industrial sheds of the Hughes Industrial Estate which currently dominate the streetscene from their elevated position overlooking this location. Other potential viewpoints of the development from Bear Road are obscured by a large development of flats, The Bear PH, the Kingdom Hall and the former Pumping Station. It is considered therefore that the proposed design has taken account of longer views in the streetscene and from elevated views in the vicinity and would conform with policy QD4 of the Local Plan and would be acceptable.
- 8.32 The full impact of the tallest elements of the proposal would be seen either from the entrance to Freehold Terrace or from Freehold Terrace looking west. From Hollingdean Road, the 3 storey frontage would obscure the proposed upper floors. Within Freehold Terrace, the streetscene is currently dominated by

Building B and the derelict Building C and some modern housing. Parts of the fifth and sixth floor levels would be seen in these views particularly the projecting element would be prominent from Hollingdean Road in context with the industrial buildings opposite. The development would have most impact here but the location currently has no redeeming qualities except for glimpses of the tree belt in the background and given the modelling of the building and the distinctive elevations, it is considered to be acceptable and would comply with policy QD2 of the Local Plan.

- 8.33 Account has also been taken of the existing 3 – 3.5 metre boundary walls which impose on the streetscene at pedestrian level. The walls are not in a good state of repair and have no aesthetic qualities. The proposal would open up the site which would mitigate some of the impacts that may be felt at close quarters by pedestrians. The opening up of the site in this narrow street would comply with policy QD5 by providing a more attractive thoroughfare which would also provide a sense of security for pedestrians thus conforming to policy QD7.

Secure by design

- 8.34 The proposed site would present a more open frontage to the streetscene but the buildings would have secure entry points. It is considered that there would be benefits from installing secure gates or doors at the sides of the buildings and between the two buildings to prevent access to the rear except from within the building. This would be conditioned.
- 8.35 There are benefits for designing out crime by not surrounding the site with high fences or walls as any intruders could be seen approaching the building either by the occupants or from the public realm by neighbours and passers by. The management suite is also well sited adjacent to the Freehold Terrace entry point for casual observation of the site which would not be possible if a high boundary treatment was applied. A high boundary treatment would also counter the benefits for future air quality described elsewhere in this report. Both buildings would have multiple windows at the rear to enable casual surveillance of those parts of the site hidden from public view. The railway embankment would also provide an imposing physical barrier to deter potential intruders from accessing the site from the rear.
- 8.36 There have been concerns raised by objectors that the out of hours site security would be covered by student welfare officers. This is referred to in the Student Management Plan. It is not considered that this would be appropriate especially given the neighbour concerns about noise and disturbance and that regular full time security should be provided. The applicants have now agreed in writing to provide professional 24 hour security on site which has been incorporated into the draft Student Management Plan to be agreed as a condition of any consent.

Landscaping:

- 8.37 The proposal would provide landscaping along the Hollingdean Road frontage set back behind the site boundary as referred to in this report. In addition, there would be opportunities for landscaping in front of the main building entrance and there are areas of rooftops in the student block where roof gardens are proposed at third, fourth and fifth floor levels where landscaping is proposed.

This would help to soften and break up the elevations and would enhance the streetscene. By including space within the development proposal for a good landscaping scheme the overall landscape scheme is considered to be acceptable in principle and would comply with policy QD15. The Arboriculture Officer has no objections to the proposals and has recommended that some of the self seeded growth on top of or within the boundary walls at the rear should be removed as well as overhanging branches. The existing trees on the embankment to the rear of the site are all on land in the ownership of Network Rail who have not objected to the proposal but it would seek a buffer strip so that maintenance of the proposed buildings can be achieved without access to Network Rail land. The proposal would allow this.

Impact on Amenity:

- 8.38 One of the main potential impacts on amenity arising from the proposals could be on the existing flats in Popes Court adjacent to the proposed affordable flats. The footprint of the front and rear of the affordable block would be aligned with the existing building so there would be no additional impact on outlook or daylighting. Following amendments to the submitted proposals, some small balconies at the rear of the proposed flats have been removed from the scheme. They could have given rise to privacy concerns for flats at the rear of Popes Court which have side west facing windows facing the proposed development. The upper floors of the student block would have an easterly outlook but the distance and the 90 degree angle of view would not impact on the privacy of windows which face north and south. There are therefore no issues of outlook, privacy or daylight for Popes Court occupiers that could be substantiated notwithstanding that there have been some objections raised. The nearest properties to the site on the south side of Freehold Terrace are in industrial use and would not be affected by loss of daylight or outlook.
- 8.39 The other properties that could be affected are the rear elevations of dwellings on the north side of Hollingdean Road and the front elevations of dwellings on the south side of Hollingdean Road which face the site. In the case of the latter, there are no privacy concerns. The three storey student block would be 15 metres away and would have oriel windows whilst the closest window of the upper floors of the student blocks would be 20 metres away and would not directly overlook the dwellings but face south east. Any outlook from the top floors would be obstructed by the proposed 3 storey student units.
- 8.40 The other potential privacy issue would be from the studios in the central projecting bay to the back of properties on Hollingdean Road. Each studio would have a south east facing window. The left hand window (viewed from the dwellings) faces directly onto the rear of No. 52 Hollingdean which is part of the development site. There would be no residential occupation of No. 52. The left hand window would have an angled view towards the dwellings and does not afford any direct views into windows. The nearest (bedroom) window of No. 50, the nearest dwelling, would be 9.5m away. The main rear elevations of this dwelling would be 16.5m away.
- 8.41 The student units have three outdoor roof terraces. At third floor roof level, the landscaped roof area would be set back 3 metres from the building line and

thus the nearest windows on the opposite side of Hollingdean Road (Nos. 97-105) would be 18 metres away. It is not considered that there would be any demonstrable loss of privacy as a result but a condition could be recommended to request details of the layout of the landscaped garden and parapet heights to minimise any possibility of privacy concerns.

- 8.42 The fourth floor level roof garden is also at the south western end of the building but is predominantly set back to the rear of the building so that only a very small area would be as close to neighbouring dwellings as the third floor.
- 8.43 The fifth floor roof garden would be at the south western end of the building and would have direct views across to the car sales yard opposite and more oblique angled views to the same residential properties from 18 metres away at least. It is considered therefore that in this urban context of tight urban densities with terraced dwellings built close to each other, that the roof gardens would be acceptable and that any loss of privacy would be negligible. It is notable that there have been no objections from the occupants potentially affected at Nos. 97-105 Hollingdean Road.
- 8.44 Neighbours have raised concerns about the potential for noise and disturbance from the student occupation. The submitted student management plan sets out how the intended management company are board members of the Code for Standards for privately owned/managed student accommodation blocks. The Accreditation Network UK (ANUK) has been established with the backing of The Department for Communities and Local Government (DCLG) to ensure high standards. This scheme would be registered with ANUK. The applicants have agreed to provide professional 24 hour security employed to ensure that nuisance to neighbours for example is minimised and for response to emergency situations. From the correspondence received, noise and disturbance is a serious concern for residents. Given the isolated nature of the site with no through routes, it would be easier to link any noise nuisance to the occupants if it were to take place and be acted upon provided that there is late night security on duty.
- 8.45 The Environmental Health Officer has commented that the student management plan refers to controlling onsite noise and kerbing anti-social behaviour but little reference is made to impact on other adjacent uses such as housing and flats. It is strongly recommended that the document is revised making it tailored to the specific site and noise escape and control of open areas. It is considered that noise from amenity areas of the proposed development can be controlled or mitigated by controlling the hours of use of external amenity areas. The hours of use of the roof terraces which are considered to be permissible no later than 10pm can be controlled by incorporation into the Student Management Plan. The student management plan can be revised as a condition of any consent before occupation and made subject of an annual review for the first five years of occupation. The applicants have offered to liaise with local residents and it is considered that this could be formalised so that local resident reps, student reps and management of the student units should meet on a regular basis to discuss issues and find mutually acceptable solutions to any problems that arise. The applicants have agreed to

attend residents' liaison meetings every two months for at least a year after occupation with the frequency to be reviewed thereafter.

- 8.46 The applicants have assessed the potential impacts on daylight and sunlight to adjoining properties in accordance with the Building Research Establishment (BRE) Guidelines. With reference to the sunlight levels to existing properties, the rear of dwellings opposite the site at Nos 48 and 50 Hollingdean Road have north facing windows which are more than 90 degrees away from the south and so loss of sunlight would not be an issue. The same would apply to the front windows at Nos 97 – 105 Hollingdean Road on the south side of the road where the windows face more than 90 degrees to the south.
- 8.47 In respect of the daylight levels before and after to front windows in Nos. 97-105, the existing windows facing onto Hollingdean Road enjoy generous levels of daylight measured by Vertical Sky Component (VSC) of above 33% where 27% would meet the BRE Guidelines after which a reduction in daylight might be noticed. Following the proposed development, the daylight levels to windows on the front elevation would drop to between 21 and 23% VSC. This would still provide an acceptable level of daylight. The biggest impact would be on the western most dwelling (No.105) but as the front lounge and bedroom above are served by side windows as well, the daylight levels would be acceptable.
- 8.48 Average Daylight Factor (ADF) measures the proportion of the floor area where the sky would be visible and takes account of the relative window size and room floor area. All of the rooms affected would still achieve the minimum ADF levels for bedrooms and lounge areas. Dwellings in the middle of the terrace would have the larger reductions with the ground floor of No. 103 being the largest at 30% or 0.7 times its former value. BRE guidelines suggest that 0.8 times its former value would be acceptable before the difference would be noticed by the occupier. It is considered that in this urban context, these resultant daylight levels would be acceptable and would not result in demonstrable harm to daylight in those dwellings opposite. None of the occupants have objected to the proposals on these or any other grounds.
- 8.49 The other two dwellings potentially affected are Nos. 48 and 50 Hollingdean Road, the rear elevations of which face onto the development site. The ground floor windows in the outrigger at the rear of No 50 do not serve habitable rooms. Only one window would be significantly affected but is one of two which serves this very small room. The back room in the main house already has very low VSC level of 9.65% and would lose 10% of this daylight. The back room in the outrigger at first floor level is served by two windows but the north facing window would be affected significantly but not the east facing window. In terms of the ADF levels for these rooms, the two north facing rooms in the main part of the building currently have very low ADF levels below 1.0 which is acceptable for a bedroom would still retain 0.8 times their previous values. The other window serving a habitable room would still retain an acceptable ADF value and would still be more than 0.8 times its former value.
- 8.50 No. 48 has two habitable rooms at ground floor and the same above. The ground floor windows have low existing VSC levels already significantly below

27% but would lose more than 20%. The same would apply to the first floor windows. The first floor windows would still achieve a satisfactory ADF level in excess of 1.0 but the two ground floor windows would fall below. One of the ground floor windows serves a kitchen.

- 8.51 It is considered that on balance the majority of windows in the neighbouring properties tested would not suffer unacceptable losses and therefore those windows most affected would not be affected to such an extent that the whole development would become unacceptable. On balance the benefits of the development would outweigh concerns about the loss of daylight in a handful of cases. The proposals would therefore on balance comply with policy QD27 in respect of impact on daylighting and sunlight.
- 8.52 It is apparent that the location of the site is likely to expose new residents to elevated levels of noise from both road traffic and that of the railway line which passes adjacent the site in a South West-North East direction. A study with two monitoring positions has characterised the site and deemed that a degree of intervention is necessary to protect the end users of the site which would be applicable at all storeys.
- 8.53 After submission, the applicants carried out a noise assessment within amenity areas as requested. Three specific amenity areas were identified on the 3rd floor, the 4th floor and the 5th floor which have a noise exposure as ranging from 52-56dB LAeq, 16 hour. BS8233:2014 states that for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.
- 8.54 World Health Organisation Guidelines on community noise dated 1999 suggests that moderate annoyance for outdoor living spaces begins at 50dbLAeq, 16 hour with serious annoyance at 55dB, LAeq, 16 hour. Whilst the levels indicate that such spaces might not offer tranquil living, it should be recognised that the site is in fact located next to a main road and a railway line in a high density urban setting which it is accepted could not provide tranquil living.
- 8.55 The applicants have submitted further information based upon their monitoring related to the noise impacts on potential end users. A table of requirements in order to mitigate potential impacts from road and rail noise has been submitted which the Environmental Health Officer is satisfied with and has requested a condition to ensure that the measures which relate to windows and trickle ventilation are implemented.
- 8.56 Similarly, there are a number of uses which can often conflict with normal living. In particular, with the basement uses, it is noted that lifts, refuse areas, a plant room and a common room are all located below bedroom units and as such will require an enhanced level of sound proofing to ensure that the new occupiers are sufficiently protected against noise. Whilst it is recognised that part E of the Building Regulations exists, such mixed uses will require a level of protection above and beyond this and may be secured via a condition.

- 8.57 Such a site will inevitably have construction site noise, deliveries etc and for this reason it is strongly recommended that a Construction Environment Management Plan (CEMP) is secured through a S106 Agreement.
- 8.58 There are no details of a lighting plan to ensure that no adverse impacts result on the general amenity and on the amenity of adjoining residents. The Environmental Health Officer has requested a suitably worded condition which would ensure that the Institute of Lighting Engineers Guidance on reducing obtrusive lighting would be adhered to.
- 8.59 A resident living near London Road Station on Springfield Road raised an issue about the protection of an existing historic cast iron lighting column dating from the 1930's which is on the highway directly in front of the site. A group of residents near London Road have been hoping that an opportunity may arise to relocate the lamp column to replace some that were removed in the past. This has been followed up and the applicants indicated that they might be prepared to fund the relocation. However, the Council's Street Lighting team are unable to respond to many such requests as there are issues around which districts should get preference over others. In this case neither the existing site nor the proposed site is in a conservation area. There are also risks associated with trying to remove a column without it fracturing due to its age and brittleness and whether it could be safely installed in a new location. The better option appears to be to leave lamp columns in situ where the nearby residents can appreciate its historic character and design whilst they still function.

Sustainable Transport:

- 8.60 The proposed site is close to a sustainable transport corridor being the Lewes Road which provides excellent bus services to the Faculties of both Universities. The University of Brighton's Mithras House and Watts Building are within easy walking distance and the other buildings including the main campus at Falmer are on direct bus routes. The new 50U bus service which goes to the Universities of Sussex and Brighton would pass directly by the site.
- 8.61 The proposal does not include any standard parking spaces for the affordable units. Parking standards are stated as a maximum and their provision is not a requirement under SPG4 standards except there is a requirement to provide one disabled bay for the flats.
- 8.62 The general parking standards for HMO's outside a Controlled Parking Zone, which this is, would be 1 per 2 units. These standards are stated as a maximum so there would be no requirement for on site parking. This standard is not considered appropriate for student parking due to economic and practical circumstances. The vast majority would not need a car due to their close proximity to Faculty facilities, shops and services and very good public transport services and the cost implications of keeping a car. The applicants have submitted some car usage evidence for students which suggests that 26% of student households in the City have access to a car which includes those who share a house and are given lifts but do not own a car. In areas like this where there are considerable parking restrictions and excellent public transport; car ownership would be a less attractive option to the occupiers. The Planning

Authority has not sought on site parking for student accommodation on any other recently approved development proposals.

- 8.63 There would be two disabled parking bays for the proposed student units provided. There are no parking standards for student units in SPG4 but if student flats are to be likened to Houses in Multiple Occupation (HMO) in character then 20 disabled bays would be required at a ratio of 1 in 10. The applicants have sought guidance from the University to find out what proportion of students require disabled parking bays in general but also what the University's strategy is for accommodating disabled students in relation to their Faculty and the University's accommodation stock. The University have responded that it is rare that disabled students require a parking space but if they do, they can be accommodated in purpose built accommodation where a parking bay is available. The University of Brighton have provided evidence that only 0.4 % of their registered disabled students who live in student halls require a parking space which is actually 7 students in total.
- 8.64 Whilst the scheme provides 6 accessible rooms, this could mean that less than 2 students would require a disabled parking space. The applicants however submitted a draft plan which proposes how 6 on street disabled bays could be parked near the site. The on street spaces would also be available to the any person with the appropriate parking permits. At this stage these proposals are the basis for discussion with the Highway Authority before the necessary Traffic Regulation Order was advertised but the applicant's proposals are welcome.
- 8.65 The proposed parking bay behind the management suite at No. 52 Hollingdean Road was considered to be substandard by the Transport Officer and has been removed from the scheme.
- 8.66 Concerns from residents and the Transport Officer have raised the issue of potential overspill parking from students and residents as well as congestion and parking on street. The applicants have therefore carried out an on street parking survey within 200m or a two minute walk from the site. Surveys were carried out on successive midweek nights 30th September/1st October between 00.00 – 01.00 hours and at 09.00 – 12.00 on 30th September when on-street parking would be at a peak. The results revealed that on street parking spaces at night were at 97% capacity whilst the morning capacity was at 78%. There are different considerations for how this information could be taken into account. One interpretation is that the on street parking is at capacity and therefore a development which would result in further pressure would be unacceptable. This could have implications for future development in the vicinity. A more pragmatic interpretation is that students in particular would be less likely to bring cars into this urban area since there would be very few on street spaces to leave them and they would not need a car to get about. This is the viewpoint of the applicants. The applicants have quoted the results of the 2012 National Travel Survey by the Department for Transport which showed that students are amongst the biggest users of public transport making an average of 170 trips per person, per year. The Transport Officer has accepted the findings of the survey and the interpretation.

- 8.67 The applicants have agreed to provide the full commuted sustainable transport contribution applicable towards improving sustainable transport in the area which would be £139,950. Part of this could be spent on providing additional on street disabled parking bays. There have been concerns raised by existing neighbours about the lack of facilities for parking for existing residents with mobility difficulties. This could address those concerns as well. Better enforcement of existing parking restrictions by the City Council would help and clearer signing and road markings of existing restrictions can be made by the Council. Many of the residents concerns centre around dangerous and illegal parking in Freehold Terrace and better enforcement would help this. The existing occupiers of the site have parking on site for employees as well receiving regular deliveries including using large lorries. The change in occupation would reduce the number of trips to the site by employees and there would be no need for as many large delivery vehicles which are required to make dangerous manoeuvres in and out of the site. Students would be prevented from bringing a car onto the site or in the vicinity. This will feature in the student management plan which sets out the restrictions on student parking. It is considered that the applicants have sought to satisfy policy TR1 of the adopted Local Plan.
- 8.68 The Transport Officer has put forward a series of sustainable transport measures which could be implemented within the vicinity using the transport contribution:
- 1) The provision of additional on-street parking and alterations to parking to increase disabled and residents' provision if necessary by reducing commuter parking
 - (2) An improvement scheme for the Hollingdean Rd./ Freehold Terrace junction which would include a 'table top' or similar feature at the application site access and improves provision for pedestrians and cyclists
 - (3) Environmental improvements on the remainder of Freehold Terrace
 - (4) A new bus stop in Hollingdean Road near to the site and the provision of a real time information display within the development
 - (5) Improvements to footways in the south of the Hollingdean area or
 - (6) Completion of local sustainable transport works in the Lewes Road corridor near the application site.
- 8.69 The provision of more than the required cycle parking provision in a secure location would also contribute to encouraging future occupants of both the student and flat units to use sustainable transport. The location of the site in relation to University Faculty buildings and sustainable transport routes would comply with paragraph 34 of the NPPF.
- 8.70 The applicants have submitted a Student Management Plan which includes details for managing arrivals and departures at the beginning and end of terms. The management company that would be used are experienced in student accommodation. The applicants would be required to provide a Travel Plan which from their experience would provide travel and transport information in advance for students and include a travel pack for occupants. Information on

secure cycle parking would be included. On arrival days, students would be asked in advance to notify the management of an arrival time and date. Staff would be available to help with dropping off and luggage. Luggage can be unloaded and held in secure facilities near the reception whilst vehicles are moved off the site. Meet and greet events would be held in conjunction with community Police and Fire Service personnel to explain the facilities, the area and good neighbour relations and acceptable behaviours. Moving out would be similar in procedure but would be less concentrated over time.

- 8.71 The applicants would enter into a S106 agreement to provide a commuted sum towards sustainable transport as well entering into a S278 agreement and in turn produce design proposals under the Traffic Regulation Orders (TRO) to provide off site local measures for improving and enhancing traffic management, the public realm and pedestrian safety in proximity to the site.
- 8.72 It is considered therefore that with suitable measures in place, concerns over parking and traffic management could be addressed and mitigated.

Sustainability:

- 8.73 The proposal would meet all of the requirements in Policy SU2 and SPD 08 as set out in the Sustainability Adviser's comments above thus demonstrating a high standard of efficiency in the use of energy, water and materials. The guidance in SPD 08 is that developments should achieve Code for Sustainable Homes Level 4 and that the scheme should achieve 60% in energy and water within an overall BREEAM Excellent rating. The energy section has been revised in the light of the Sustainability Adviser's comments so that 60% in energy could be achieved. The list of positive aspects of the scheme are set out in the Adviser's comments are repeated above in Section 5. Whilst the proposed number of cycle spaces for the student units is to be confirmed subject to a satisfactory layout and design, it is likely given the floor area that the spaces will comfortably exceed the required number of 68 which is a further positive aspect.

Ecology/Nature Conservation:

- 8.74 The County Ecologist has confirmed that it is unlikely that there would be significant impacts on any Site of Nature Conservation Importance (SNCI) or any other sites designated for their nature conservation interest. The site has minimal biodiversity interest as can easily be seen from an initial inspection.
- 8.75 The main opportunities for wildlife exist in the broad leaf woodland around the back of the site. The Ecologist has requested conditions preventing demolition works outside of the nesting season and checking for nests before the two trees marked for felling are cut down. To minimise the impact of lighting on bats, a sensitive lighting scheme would be required to be submitted for approval by condition.
- 8.76 The Ecologist does not require mitigation works for the development itself but conditions requiring enhancement works should be added however it should be taken into account that as the existing mature trees around the site are in the ownership of Network Rail, the applicant cannot control whether certain enhancement works could be implemented so a condition cannot be imposed.

The proposed tree planting and green roofs will however enhance opportunities for biodiversity and this should be conditioned. The proposals are satisfactory and would meet the requirements of policy QD17 of the adopted Local Plan and SPD11.

Waste Management:

- 8.77 A Site Waste Management Plan Progress report has been received since submission of the application. At this stage it includes targets for the re-use and recycling of waste. Sections of waste data need to be completed as any construction progresses. The document would need to be updated in more detail and become a working document as the construction process take place and this could be conditioned.

Other Considerations:

Land contamination:

- 8.78 Contamination reports have been submitted and reviewed by the Environmental Health Officer. A desk study and a phase 2 intrusive site investigation have been carried out. Further works are needed since the report authors did not necessarily have sight of the proposed final build. The Environmental Health Officer considers that clearly further work is needed to sufficiently characterise the site with a view to ensuring that end residents are protected and that no new pathways are created, as the land is known to have had a number of uses, all with the potential to have caused localised contamination. The most concerning is the former gas works from 1875 to 1910 inclusive as such uses often had a number of contaminants as by-products. It was noted also within the phase 2 survey that one of the boreholes never managed to prove the depth of the made ground which is cause for concern. In acknowledging that further works are necessary, the further investigations can be managed via a condition. The specifications for what should be included in the works are set out in Section 5 under the Environmental Health Officer's final comments.

Air quality

- 8.79 It has been reported previously in related sections of this report that the Air Quality Officer within Environmental Health does not have any concerns about the impact of the development on air quality and indeed that the proposed development is likely to result in a marginal improvement due to the new buildings being set back from the site boundary with amenity space between living quarters and traffic emissions, the removal of the wall parallel with Hollingdean Road and slightly less traffic emerging from the site. It is considered that whilst the tree planting may not absorb and reduce Nitrogen Dioxide (NO₂) significantly but it would certainly enhance the visual environment and foliage can provide additional surface area for the deposition of particles. Gaps between trees, buildings and roofs can also increase the likelihood of funnelling of fresher air and can help to avoid the creation of an enclosed street environment where traffic emissions can become concentrated.

9 CONCLUSION

- 9.1 The proposed development has taken account of the character and scale of existing development in the local area and has responded to the variety of heights and densities of neighbouring development in the streetscene. The 3 storey units on the site frontage would be set back to respect the scale of the terraces of houses fronting Hollingdean Road. The heights of the proposed building at the rear would rise towards the middle of the site where the impacts on the streetscene and wider viewpoints would be minimised and hence would also be acceptable. The design of the building which features a variety of heights and is considered to display a welcome degree of articulation would provide visual interest to the elevations and streetscene and would be acceptable in design terms. The proposal would thus comply with policies QD1; QD2; QD3 and QD4 in this respect.
- 9.2 The materials and suggested colour scheme would add vitality to the general streetscene and local townscape which is uninspiring at present. The area is not in a conservation area and there are no buildings of architectural or design interest nearby whose setting could be harmed thus the development would enable a more distinctive building to be introduced into an area of very limited architectural character. The colour scheme has been toned down from earlier iterations and would provide a more subtle palette of colours which would be more coordinated but would still meet policy QD2 by introducing a building of distinction in this location.
- 9.3 The City Plan DA3 policy area is identified as a suitable location for student accommodation and it is close to sustainable transport provision and the location of the site in a mixed use area would help to minimise any potential noise and disturbance and thus complies with the majority of criteria in policy CP21. The proposal has the written support of the University of Brighton who intend to sign an exclusive agreement for its students to occupy the student accommodation. The provision of 2 disabled bays for student accommodation is considered to be acceptable as it has been confirmed that only a small minority of the University's registered disabled students actually have need of a car. Concerns about other overspill car parking can be addressed by the Travel Plan and the Student Management Plan but the survey results indicate that since there are few opportunities for on street parking, it is considered unlikely that students would bring a car into the area or would need a car given the site's proximity to sustainable travel routes and is within easy walking distance of some of the Faculty buildings. The survey evidence submitted about student access to a vehicle in the City would seem to support this view. In conjunction with the requirements for the applicants to fund sustainable transport measures within the S106 contribution sought, it is considered that the proposal would meet policy TR1 and other Transport policies.
- 9.4 From the correspondence received, noise and disturbance resulting from student occupation is a serious concern for residents. Given the isolated nature of the site with no through routes, external noise nuisance linked to the occupants would be mitigated and if it were to occur on site can be acted upon by the 24 hour security. The hours of use of the roof terraces would be

controlled by condition and incorporated into the Student Management Plan. The requirement for regular liaison with residents and on site management would enable residents concerns to be directly addressed than from private student dwellings. It is considered that in this respect these measures would mitigate the residents concerns and proposals would be compliant with QD27.

- 9.5 The other potential amenity impacts relate to the loss of daylight and concerns about privacy mainly due to the central projecting element of the student block. Some windows on the back of Hollingdean Road properties would have resultant daylight levels below those recommended BRE guidelines but not significantly below and on balance it is considered that the overall benefits of the scheme would outweigh these concerns. The physical impact of the projecting element on the rear of these dwellings would be mitigated by its narrow frontage onto Freehold Terrace (8.5 metres) and the loss of the existing large buildings on site. The removal of the existing boundary wall would also open up the site more and mean that the streetscene would feel less enclosed. There are other benefits to the scheme such as the redevelopment of this unattractive and partly derelict site, the introduction of more trees on the street frontage, the potential improvement of air quality and the enhancement of the streetscene. The development would also meet all of the Council's Sustainable development policies and guidance under Local Plan policy SU2 and SPD 08.
- 9.6 The applicants have submitted a viability assessment which demonstrates that replacing the current obsolete light industrial units with modern business units would not be viable under the two scenarios tested. This has been verified by the District Valuer and therefore whilst some of the requirements of adopted Local Plan Policy EM3 and City Plan policy CP3 would not be met by providing mainly student housing, the proposals are considered to be acceptable on balance as an exception to policy. It is considered therefore that whilst the proposal does not meet all of the Council's employment policies, this exception would be justified by enabling a local firm to move to modern premises in the City and to retain its entire staffing levels.
- 9.7 The proposed development of student accommodation on site is considered to be acceptable in this instance as an exception to policy CP21 as an alternative to residential on a site which has potential for housing under the Strategic Housing Assessment. There would though be 8 affordable residential units provided however on No. 46 Freehold Terrace. This is a finely balanced recommendation but it is considered that there are more benefits arising from the proposals than there would be harm caused to the policy objectives of retaining employment land and that on this site, the acknowledged need for purpose built student housing can be permitted instead of the alternative need for general housing.

10 EQUALITIES

- 10.1 All parts of both proposed buildings will be accessible by all users and visitors and there are 6 accessible rooms proposed within the student accommodation. The affordable flats proposed will conform to Lifetime Homes standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Construction Training and Employment Strategy including 20% of demolition and construction jobs for the development sourced from Brighton & Hove.
- Public Art Contribution on site £29,700
- Sustainable Transport Contribution £139,950
- Open Space, Sport and Recreation Contribution £266,486
- Local Employment Scheme Contribution £13,500
- Prior to commencement of the demolition phase, a Construction Environmental Management Plan (CEMP) to be submitted to and approved in writing by the LPA. The CEMP shall require the developer to facilitate a monthly meeting during demolition and construction for adjacent residents/occupiers, unless an alternative schedule is agreed in writing with the Director.
- Considerate Constructors Scheme
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works required. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Requirement to fund all necessary Traffic Regulation Orders.
- Prior to commencement of development, the applicant must have entered into a contract for sole occupancy of the student accommodation with a higher education provider.
- A restriction on the occupation of the student accommodation to only those attending full time academic courses at one the City's two Universities or other existing educational establishments within Brighton & Hove.
- Student Accommodation Management Plan to be submitted and agreed prior to first occupation, to include details of student management, the written agreement of both the Higher Education establishment and the Student Management Company to the management principles, attendance by the same at Local Action Team meetings, number and type of staff, 24 hour security arrangements, move in move out strategy, location of a smoking area and hours, monitoring and management of all the amenity areas (usage no later than 10pm). The Plan shall be subject to annual review for the first 5 years following agreement.
- Travel Plan

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
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PLANNING COMMITTEE LIST- 10 DECEMBER 2014

Site Location Plan	DMHS/2528 41.3/1		19.05.14
Site Plan	13-1388/02	B	26.09.14
Topographical Survey	13-0201		19.05.14
Existing Plans	13-1388/20	B	13.10.14
Existing Site Elevations	13-1388 P20-1		19.05.14
Existing Plans and Elevations	13-1388-41	C	13.10.14
Lower Ground Floor Layout	13-1388/03		19.05.14
Ground Floor Layout	13-1388/04	B	26.09.14
First and Second Floor Layout	13-1388/05	B	26.09.14
Level Three Layout	13-1388/06	B	26.09.14
Level Four Layout	13-1388/07	B	26.09.14
Level Five Layout	13-1388/08	B	26.09.14
Roof Level Layout	13-1388/09	B	26.09.14
Street Elevations (B&W)	13-1388/10	D	26.09.14
Street Elevations (Colour)	13-1388/10	D	26.09.14
Elevations - Rear Elevation with Embankment (B&W)	13-1388/11	D	26.09.14
Elevations - Rear Elevation with Embankment (Colour)	13-1388/11	D	26.09.14
Proposed Plans No.52	13-1388/21	B	26.09.14
Sections A-A and C-C	13-1388/12	C	26.09.14
Sections B-B and D-D	13-1388/13	C	26.09.14
Affordable Elevations	13-1388/40	D	26.09.14
Elevations - Rear Elevation without Embankment (B&W)	13-1388/43	D	26.09.14
Elevations - Rear Elevation without Embankment (Colour)	13-1388/43	D	26.09.14
Street Elevations (Key)	13-1388/44	A	26.09.14

11.3 Pre-Commencement Conditions:

- 3) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme

shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

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

4) Prior to the commencement of development details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

5) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments including external gates and doorways and access points to the back of the buildings hereby approved. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to enhance site security and to comply with policies QD1, QD7, QD15 and QD27 of the Brighton & Hove Local Plan.

7) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

8) The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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.

9) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

10) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11) No development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

12) No development shall commence until a scheme for the soundproofing of 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 occupation of the development and shall thereafter be retained as such.

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

13) The glazing conditions and ventilation requirements shall be implemented in accordance with table 7 of the applicants Applied Acoustic design report dated 3rd October 2013 reference 13448/001/mb-Rev A and will apply to all storeys of the development hereby approved.

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

14) No development shall commence 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 occupation of the development and shall thereafter be retained as such.

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

15) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above 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 occupation of the development and shall thereafter be retained as such.

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

16) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

17) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for [eg crossover, pilings] has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

18) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall follow the applicant's submitted recommendations in the "Extended Phase 1 Habitat Survey" and accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

19) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

20) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

21) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall also take account of the recommendations in the applicant's submission "Extended Phase 1 Habitat Survey" and accord with the standards described in Annex 6 of SPD 11. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties, to increase the biodiversity of the site and to mitigate any impact from the development hereby approved and to comply with Policies QD17, QD25 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation.

22) The Residential Development shall not commence until a scheme for the details of the provision of the 8 Affordable Housing units hereby approved as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:

PLANNING COMMITTEE LIST- 10 DECEMBER 2014

- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the student housing;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing;

For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policies EM3 of the Brighton & Hove Local Plan and CP3 of the City Plan.

23) The affordable housing units hereby approved shall be completed and be ready for occupation prior to completion of the student units hereby approved.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policies EM3 of the Brighton & Hove Local Plan and CP3 of the City Plan.

24) 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, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. 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.

25) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

26) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

27) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

28) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

29) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.4 Conditions in perpetuity

30) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

31) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

32) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

33) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 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 (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

It is considered that the proposed development is consistent with the objectives of the strategic allocation set out by policy DA3 of the Submission City Plan. The development would introduce a building with distinctive character featuring a variety of heights and a welcome degree of articulation to provide visual interest to the elevations and street scene and would be acceptable in design terms. The development would contribute to the regeneration of this site and provide purpose built student accommodation which has the support of one of the City's Universities. The retention of the site has been found to be no longer economically viable for light industrial use but the development would enable the existing occupier to relocate within the City to a new purpose built business park in the City. The development of student accommodation as an alternative to residential on site is considered to be acceptable in this instance as an exception to policy.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/ecohomes). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable

PLANNING COMMITTEE LIST- 10 DECEMBER 2014

Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

5. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
7. 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk
8. As the application site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection South East team at: AssetProtectionSussex@networkrail.co.uk prior to any works commencing on site and signs up to an Asset Protection Agreement with them. This will enable Network Rail engineers to review the developments design and construction details, which in turn will help to ensure the safety of the operational railway. More information can also be obtained from its website at www.networkrail.co.uk/asp/1538.aspx.
9. You are advised by Network Rail that the applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

