

<u>No:</u>	BH2018/02699	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	118 - 132 London Road Brighton BN1 4JH		
<u>Proposal:</u>	Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	16.10.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.01.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	29.03.2019
<u>Agent:</u>	Mr Simon Bareham Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Curlew Opportunities C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of this report:

S106 Heads of Terms

- Open Space and Recreation – £232,845.46 (total of sums below) – to be spent as follows:
 - £7,212 - Amenity Green Space (Valley Gardens and/or Pelham Square)
 - £69,153 - Outdoor sports facilities (Withdean Stadium and/or Preston Park and/or Waterhall)
 - £101,213 - Parks and Gardens (Preston Park and/or St Nicholas Gardens and/or Valley Gardens and/or Queens Park)
 - £45,342 - Natural and Semi-Natural (Woodvale Cemetery and/or Preston Park and/or St Nicholas Gardens and/or Valley Gardens and/or Queens Park)
 - £9,925 - Allotments (Chates Farm Allotments and/or Old Water Works Allotments and/or St Marks Allotments)

- Artistic Component – an artistic component on or within the vicinity of the site to the value of at least £72,000.
- Economic Development – £23,200
- Employment & Training Strategy – to provide opportunities for employment and training for local people
- A permissive path agreement to be secured to allow the public access to the new forecourt/set-back on London Road.
- Separate 5 Year Travel Plans for student and retail (staff only) components.
- S278 Highway Works to be implemented prior to occupation to:
 1. Reconfigure the existing loading/servicing facilities in Oxford Court for the retail and PBSA components of the site to improve access for delivery and servicing vehicles and for the Oxford Court car park;
 2. Improve the footways on Oxford Court and Oxford Street leading from the Oxford Court car park to the junction of Oxford Street and London Road to make them accessible, to include works to the existing footways at the junction of Oxford Court and Oxford Street to mitigate any alteration that may be required as a result of the development to the visibility splay at this junction;
 3. Widen and protect the northern footway of Oxford Place to secure appropriate access to the proposed new cycle store for the student component of the development;
 4. Install a new shelter (to a specification approved by the Council and consistent with such bus shelters in the area) on London Road at or adjacent to the existing bus stop to the front of the development site.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	17235 200	P-00	24 Aug 2018
Existing Elevations	18.023 200	F	12 Oct 2018
Existing Ground Floor Plan	18.023 100	C	3 Oct 2018
Existing First Floor Plan	18.023 101	C	3 Oct 2018
Existing Second Floor Plan	18.023 102	C	3 Oct 2018
Proposed Site Plan	17235 300	P-04	26 Feb 2019
Proposed Upper Floor Plans	17235 1000	002	11 Feb 2019
Proposed Elevations	17235-0302	P-03	11 Feb 2019
Proposed Courtyard Elevations	17235 0303	P-01	10 Jan 2019

Typical Unit Plans	1735-0360	P-00	27 Nov 2018
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2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3.
- 3.1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (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 BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (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 a scheme shall include nomination of a competent person to oversee the implementation of the works.
- 3.2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
- (a) built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free from contamination.
- 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.
“Prior to demolition or any groundworks”, and then the same condition stating
“”
4. No development, including demolition or any groundworks, shall take place until a Demolition and Environmental Management Plan (DEMP) has been

submitted to and approved in writing by the Local Planning Authority. The DEMP shall include:

- (i) The phases of the demolition and groundworks including their forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of demolition and groundworks including all associated vehicular movements
- (vi) Details of the site compound
- (vii) A plan showing traffic routes
- (viii) That the developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from Non-Road Mobile Machinery (NRMM) in accordance with DfT guidance 'Improving Air Quality, Reducing Emissions from NRMM'
- (ix) That if plugged in places cannot be provided, battery energy or ultralow sulphur diesel shall be used for all static generators required during demolition and groundworks
- (x) That red diesel shall not be used for NRMM and static generators working on the site
- (xi) That HGVs used for demolition of the development shall be minimum euro-VI emission standard.

The demolition and groundworks shall be carried out in accordance with the approved DEMP.

Reason: As this matter is fundamental to the protection of amenity, to avoid emission contribution to high levels of nitrogen dioxide recorded in the vicinity of the site, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

5. No development, other than demolition or any ground works, shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes
- (vii) That the developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from Non-Road Mobile Machinery (NRMM) in accordance with DfT guidance 'Improving Air Quality, Reducing Emissions from NRMM'
- (viii) That if plugged in places cannot be provided, battery energy or ultralow sulphur diesel shall be used for all static generators required during construction
- (ix) That red diesel shall not be used for NRMM and static generators working on the site
- (x) That HGVs used for construction of the development shall be minimum euro-VI emission standard.

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, to avoid emission contribution to high levels of nitrogen dioxide recorded in the vicinity of the site, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

6. Prior to the commencement of development hereby approved, measures to protect and divert the public sewers and water apparatus shall be submitted and approved in writing by the local planning authority in consultation with Southern Water.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

7. Within 6 months of the commencement of development hereby approved, evidence should be submitted to demonstrate that the energy plant/room(s) have capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- (a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- (b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

(c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

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

8. Within 6 months of commencement of the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval to provide that the occupiers of the development, other than those with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- (a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- (b) samples of all cladding and fretwork to be used, including details of their treatment to protect against weathering
- (c) samples of all hard surfacing materials
- (d) samples of the proposed window, door and balcony treatments
- (e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD5, QD14, HE3 and HE6 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

10. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of a drainage strategy detailing the proposed means of foul water disposal and surface water drainage for the site using sustainable drainage methods, including an implementation timetable and maintenance details, has been submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure adequate foul sewage drainage/treatment is available and to ensure that the principles of sustainable drainage are incorporated, in order to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

11. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the ventilation system for the

first floor student accommodation including high level air intake have been submitted to and approved in writing by, the Local Planning Authority. The ground and first floor windows within the development that front onto London Road shall be hermetically sealed.

Reason: In order to minimise exposure to pollution for future occupiers of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until 1:20 scale drawings of the ground floor shop fronts, entrance doors, windows and metal fretwork have been submitted to and approved in writing by, the Local Planning Authority. All glazing at ground floor level shall be fitted with clear glazing and shall not be affixed with advertisements, vinyl or similar, and shall be kept free from fittings and fixtures except for the purposes of displaying goods for sale within the unit.

Reason: To ensure the development maintains an active frontage and to ensure a satisfactory appearance to the development and to comply with policies QD5, SR5 and HE3 of the Brighton & Hove Local Plan and CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

13. Notwithstanding the plans hereby approved, no development above ground floor slab level of any part of the development hereby permitted shall take place until a cycle parking scheme has been submitted to and approved in writing by the Local Planning Authority, which shall include details of:

- the student accommodation cycle parking store, including a layout that demonstrates sufficient spacing and aisle widths between racks, power-assisted doors, access arrangements to the cycle store for visitors to the student accommodation and facilities for storing non-standard bikes including those used by disabled users;
- the retail customer cycle stands on London Road to be sited so that they would not cause obstruction to pedestrians using the bus stop and footway, and
- safe, convenient and secure cycle parking for retail staff within the building.

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 and SPD14: Parking Standards.

14. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure adequate foul sewage drainage/treatment is available and to comply with policy SU5 of the Brighton & Hove Local Plan.

15. Prior to the commencement of the development hereby approved above slab level, a Delivery & Service Management Plan shall have been submitted to

and approved in writing by the Local Planning Authority. The Plan shall include:

- (a) Details of the types of vehicles;
- (b) Where they will load/unload for the various functions of the building and tracking;
- (c) How deliveries, servicing and refuse collection for the various functions within the building will be coordinated and managed, demonstrating how the number of vehicle trips relating to servicing and delivery will be minimised, and
- (d) the frequency and timing of vehicle movements.

The delivery strategy for the student accommodation shall include details of how personal and facilities deliveries will be combined, the delivery system detailing how items are delivered and distributed, how and which delivery companies will be contacted to ensure deliveries to the student accommodation are minimised, and signage details and location to direct delivery drivers to Oxford Court.

All deliveries, servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

16. Prior to the occupation of the student accommodation hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include restrictions on hours of use, events and the use of amplified music within the external courtyard and details of how this will be monitored. The approved Plan shall be implemented and maintained accordingly thereafter.

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

17. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping shall be implemented prior to occupation of the development and the approved soft landscaping shall be implemented in the first planting season after occupation. The scheme shall include the following:

- (a) scoping for the inclusion of a sedum/green roof on the first floor courtyard to enhance the biodiversity of the site and details of the sedum/green roof if it is a feasible option;
- (b) details of all hard and soft surfacing of all external areas including the pavement areas within the site boundary as well as the first floor courtyard to include type, position, design, dimensions and materials and any sustainable drainage system used;
- (c) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (d) details of railings or other barrier at the edge of the first floor courtyard, to include dimensions and materials;

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. The landscaping scheme for the first floor courtyard should provide and maintain adequate privacy screening of the first floor student rooms from the accessible parts of the courtyard, should include species of local provenance where appropriate and should enhance biodiversity.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to protect privacy and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

18. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and retained thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

19. 19. Prior to first occupation of the development hereby approved, details of at least 6 swift nest bricks to be installed in an appropriate location within the development shall be submitted to and approved in writing by the Local Planning Authority. The swift nest bricks shall then be installed in accordance with the approved details.

Reason: To support the local swift population and to comply with policy CP10 of the Brighton & Hove City Plan Part One.

20. Prior to the occupation of the student accommodation hereby approved, a Student Management Plan, detailing the move in and move out strategy for the start and end of term and how arrivals and departures will be managed outside term time, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall take into account the operation of Oxford Court car park, servicing and deliveries within Oxford Court, and the move in and move out strategy of the Kings Education establishment on Ditchling Road/Oxford Place.

Reason: In order to take into account the existing traffic movements in Oxford Court and to mitigate the impact of the development on the local highway network and to comply with policies TR7 and SU9 of the Brighton & Hove Local Plan and policies CP9 and CP21 of the Brighton & Hove City Plan Part One.

21. 21. Within 3 months of first occupation of the retail development hereby permitted a BREEAM Post Construction Review Certificate confirming that the retail development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

22. Within 3 months of first occupation of the student accommodation development hereby permitted a BREEAM Post Construction Review Certificate confirming that the student accommodation development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

23. The retail and community uses hereby permitted shall not be open except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

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

24. The retail units hereby approved shall be used for Class A1 (of the Town and Country Planning (Use Classes) Order 1987 (as amended)) only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities or local residents and protecting the vitality and viability of the shopping area and to comply with policies QD27 and SR5 of the Brighton & Hove Local Plan.

25. The community unit/hub hereby approved shall be used for that purpose only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding local community facilities and to comply with policy HO20 of the Brighton & Hove Local Plan.

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

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

27. Unless otherwise agreed in writing with the Local Planning Authority, the development shall meet its heating and power demands with a small Combined Heat and Power Plant with maximum output of 50kw and NOx emission rate of <40 mg/kWh.
Reason: In order to minimise NOx contribution to the local AQMA (Air Quality Management Area) and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
28. All boiler flues shall have vertical termination above roof. There shall be no horizontal emission to London Road.
Reason: In order avoid additional emission to the roadside environment within the AQMA (Air Quality Management Area) and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
29. 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 QD14, HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
30. During term time, the student accommodation shall only be occupied by students of existing universities or other existing education establishments within the Brighton & Hove area and by students who are 18 years of age or older.
Reason: In order to help meet the demand for purpose built student accommodation and to meet the housing needs of the city's students, and to comply with policy CP21 of the Brighton & Hove City Plan Part One.
31. Outside term time, the student accommodation shall only be occupied by students, staff and visitors who are attending events or courses that are run by universities or other existing education establishments within the Brighton & Hove area, and who are aged 18 years or older. The arrivals and departures shall be managed in accordance with the Student Management Plan to be submitted .
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One.
32. At least 5% of the student accommodation units shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of accommodation for students with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. The applicant is advised that condition 4 on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part 1(b) and part 1(c) of condition 4.
5. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
6. The applicant is advised that the scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
7. The applicant is advised that notwithstanding the approved plans, the ATM's controls should be raised and separated from each other, have a positive action and have raised numbers, letters or Braille characters on each control and be no higher than 1060 mm from ground level.

8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site currently comprises two retail units (Boots and Coop) and entrance to snooker hall at ground level and a now vacant snooker hall (Class D2 assembly and leisure) on the first and second floors. The site area is approximately 0.34 hectares and forms part of the Prime Retail Frontage of the London Road Town Centre. The site also lies within Development Area 4 (DA4 - New England Quarter and London Road Area) of the City Plan Part One.
- 2.2. The existing building is faced in yellow and red brick (with some feature bricks on the London Road frontage) with largely blank elevations, with the exception of the London Road ground floor frontage and a number of large windows on the Oxford Place upper floors. The building is part 2, part 3 storeys and the building overhangs the pavement on London Road, creating an 'arcade' with supporting columns at ground level. The existing building is architecturally uninspiring and lacks animation. The existing retail units are currently serviced from Oxford Court at the rear, where there is a small car park that is owned and operated by the Council. There are currently 5 no. car parking spaces and 8 no. cycle spaces at the rear of the site, adjacent to the entrance to the Oxford Court car park. This parking area is the only part of the site that falls outside the Prime Retail Frontage.
- 2.3. The site is well served by public transport, fronting onto London Road bus routes with a bus stop outside the Coop retail unit. It is also within 350 metres walking distance of Brighton Railway Station.
- 2.4. The site lies approximately 20 metres to the west of the Valley Gardens Conservation Area and approximately 60 metres to the east of the Grade I Listed St Bartholomew's Church.
- 2.5. On the corner of Ditchling Road and Oxford Place adjacent to the site is the recently completed 'Buxtons' redevelopment, occupied by Kings Education, comprising teaching facilities and accommodation, and which is a 4 storey building. The majority of the other buildings surrounding the site are 3 storeys in height, and generally comprise a mix of commercial and residential uses. St Peter's NHS medical centre fronts onto Oxford Street to the east of the site and there are a number of on street disabled parking bays along this part of Oxford Street.
- 2.6. The proposed development would demolish the existing building and replace it with a 5 storey building comprising two A1 retail units on the ground floor and 232 student rooms above (150no. cluster rooms, 59no. studios, and 23no. premium studios). The typical bedroom layout plan shows that cluster

rooms would typically be 15 sqm and contain a bed, wardrobe, workspace and en-suite bathroom, studios would typically be 18sqm and contain a bed, wardrobe, workspace, en-suite bathroom and cooking facilities, and premium studios would typically be 23.3sqm and contain a bedroom, wardrobe, and kitchen/lounge/dining area with sofa and table. These unit sizes compare favourably with other purpose built student accommodation recently approved in Brighton & Hove:

119 Lewes Road: 16.9sqm to 24sqm for studios

Preston Barracks blocks 6 to 8: minimum of 13sqm (cluster), 15sqm (studios)

- 2.7. The communal amenity space available to those occupying the studios (standard and premium) would amount to 535sqm (including study zones), which equates to 6.5sqm per studio. This compares favourably with other recent schemes approved in Brighton & Hove:

119 Lewes Road: 1.61sqm per studio room

Gyratory scheme: 1.93sqm per studio room

Preston Barracks blocks 6 to 8: 3.42sqm per studio room

54 Hollingdean Road: 3sqm per room

- 2.8. The existing car parking spaces and cycle spaces at the rear of the site would be removed and the building would extend over this area. 10 visitor cycle stands (Sheffield type) are proposed on the London Road pavement (3 stands near the Coop entrance, 4 stands near the other retail unit entrance, and 3 stands near the PBSA entrance). The development would be 'car free'.

Floor Plans:

The accommodation would be laid out as follows:

- 2.9. Ground Floor: Coop store (Class A1 retail) 464sqm sales area, ATM on London Road frontage, and ancillary store and plant room serviced from Oxford Court; retail unit of 989.5sqm sales area; community room (70sqm) accessed from Oxford Place; and ancillary student accommodation facilities comprising of reception area, launderette, stair and lift core, cycle store (176 spaces of which 132 double stacked and 44 sheffield stand), bin store serviced from Oxford Court, plant rooms (160sqm), substation and electrical switch room, fire escape stair leading to the external courtyard, and secondary student entrance and staircase accessed from Oxford Place.
- 2.10. First Floor: Student gym, multimedia lounge, main lounge, visual training area, external courtyard (providing approx. 150sqm communal amenity space surrounded by planting and accessed directly from all 3 staircores), 3 store rooms, 36 cluster rooms, 7 communal kitchen/dining/lounge cluster flats serving the 36 cluster beds, and 11 studios.
- 2.11. Second and Third Floors: Each have 80 cluster rooms, 9 communal kitchen/dining/lounge cluster flats serving the 80 cluster beds, 40 studios, 8 premium studios and 2 study rooms.
- 2.12. Fourth Floor: 34 cluster rooms, 5 communal kitchen/dining/lounge cluster flats serving the 34 cluster beds, 8 studios, 15 premium studios and 3 study rooms.

- 2.13. Roof: Extensive solar panel array covering most of the roof, lift overruns, ATM, lottery and radio satellite dishes, and flues. Elevation plans show that this equipment would rise to a maximum of 1.2 metre above parapet level, although the solar panels are not shown on the elevations.

Elevations:

- 2.14. The London Road frontage would be faced in brick (beige colour indicated) and the ground floor predominantly glazed with floor to fascia shop windows separated by a series of brick 'columns' that continue up to the third floor. The central 3 floors would have vertically and horizontally aligned windows with larger windows in the centre and at the north and south corners. The windows and doors would have deep reveals and would be framed in PPC aluminium, indicated in dark grey with accent PPC metal reveals. Accents of blue and green are provided around the windows and the CGIs show that two pairs of windows at 1st and 3rd floor would project beyond the main elevation. The top floor would be set back slightly from the main elevation and faced in metal cladding.
- 2.15. The Oxford Street elevation would have 4 sections of floor to fascia glazing and at the eastern end there would be 3 sections of solid wall, due to the internal storage area. These solid walls would be decorated with PPC metal fretwork in a chevron pattern, indicated in a range of neutral and blue colours. The back of the Oxford Place wing which is visible from Oxford Street would also be decorated with blue PPC metal fretwork in a chevron pattern on the upper floors.
- 2.16. The Oxford Court elevation would continue the brick facing lower floors and set back top floor in metal cladding. The ground floor would comprise of the same brick and metal doors and shutters are indicated. At the northern end, close to Oxford Street, two sections of chevron brick pattern in projecting brickwork are proposed. At the southern end, blue PPC metal fretwork similar to that on the Oxford Street ground floor is proposed for the upper floors.
- 2.17. The Oxford Place elevation would continue the brick facing lower floors and set back top floor in metal cladding. At ground level, the reception room, launderette, and the community room would have glazed curtain walling with chevron fascia panels in metal fretwork and areas of solid wall would incorporate either metal fretwork panels or chevron patterned brickwork. It is not clear whether the cycle store would have glazing or solid walls; the elevation plans indicate the walls would be clad in blue vertical panels.
- 2.18. The internal courtyard elevations, which would only be visible from Oxford Court and within the building itself, would be finished in white painted render.
- 2.19. In addition to the plans and elevations, CGIs (Computer Generated Images) or VVMs (Visually Verified Montages) were submitted to indicate what the proposed development would look like from certain views, in comparison with photographs of the same views. A description of how the verified views were carried out has also been submitted. The views are created from

photographs taken at a height of 1600mm above ground level, which is considered to represent human eye level.

2.20. The following additional supporting application documents were provided:

- Planning Statement
- Letter from Kings Education, confirming their interest in occupying the student accommodation
- Statement of Community Interest
- Design & Access Statement
- Transport Statement and Addendum
- Transport Technical Note Jan 2019
- Transport Technical Note Feb 2019
- Air Quality Assessment
- Drainage and Flood Risk Report
- Energy Statement
- Heritage Statement
- Verified Views Methodology
- Noise Report
- Daylight Analysis

3. RELEVANT HISTORY

120 - 132 London Road (Coop):

3.1. **BH2014/00760** - Internal and external alterations to facilitate the subdivision of existing retail unit including replacement entrance doors, installation of new entrance doors and associated works. Approved 23.07.14

119 - 131 London Road (Coop):

3.2. **BH2012/02144** - Replacement of existing windows and curtain walling systems to south elevation. Approved 21.09.12

118 - 119 London Road (Boots):

3.3. **BH2010/02698** - Display of 1no. fascia panel with internally illuminated logo to Northern elevation 1 no. fascia panel with internally illuminated logo to Western elevation and 1no. internally illuminated high level fascia panel and 1no. internally illuminated projecting sign to Western elevation. Split Decision 28.10.10 (Refusing the internally illuminated projecting sign to Western elevation due to highway safety issue with nearby traffic lights).

120 - 132 London Road (Coop):

3.4. **BH2010/00807** - Display of 2no externally illuminated fascia signs, 1no internally illuminated hanging sign and 1no non-illuminated wall mounted sign. Approved 15.06.10

120 - 132 London Road (Coop):

3.5. **BH2009/00137** - Installation of external shutters to shop front. Approved 18.06.09

4. PRE-APPLICATION ADVICE

- 4.1. Proposals for redevelopment of this site were submitted in two separate pre-applications in 2016 and 2018. The advice provided was, in summary, as follows:

2016:

- 4.2. Proposal: Redevelopment of the site to provide an A1 retail and an A3 cafe use on the ground floor and 4 floors of student accommodation above.
- 4.3. The existing building does not contribute positively to the character and appearance of London Road and the principle of demolition and redevelopment of the site for mixed use is acceptable at the site.
- 4.4. In terms of the proposed A3 use, criteria a) to d) of retained Local Plan policy SR5 would need to be complied with. With regard to criteria a) we would seek the retention of at least 50% A1 retail in the Primary Shopping Frontage. With regard to criteria b) we would restrict the A3 unit to create no more than a 15 metre break in the A1 retail frontage. In terms of criteria c) supporting information in respect of the nature of the A3 use proposed should be submitted with an application to explain how the A3 use would encourage combined trips and attract pedestrian activity to the centre. For criteria d) information relating to odour control equipment and location, noise assessment relating to transmission of noise to student housing above and neighbouring noise sensitive uses, opening hours, and nature of the use should be submitted with the application.
- 4.5. In terms of the ancillary student accommodation uses on the ground floor, in order to better activate Oxford Street and Oxford Place uses such as the bin store and plant rooms should be relocated to front onto Oxford Court at the rear. City Clean confirmed their preference would be to service the student accommodation refuse from Oxford Court.
- 4.6. In terms of the student accommodation use of the upper floors, the loss of the D2 snooker hall use needs to be justified against Local Plan policy HO20 retention of community uses and emerging policy CP17 (Sports Provision) would apply. The student accommodation use would be assessed against the criteria in policy CP21. In particular, criteria A6 of CP21 requires a formal agreement with one of the two universities or other existing educational establishment in the city so that the development meets an existing need.
- 4.7. In terms of the proposed design and layout, it was advised that the proposal to set back the upper floors in line with the retail frontage is welcomed, however there is potential to increase the pavement width on Oxford Street to encourage pedestrian movement along Oxford Street. The corner of London Road and Oxford Street is important in terms of its prominence in the streetscape, particularly when viewed from Ann Street, and in terms of the Council's aspirations to encourage East-West pedestrian links through Oxford Street. This corner is therefore identified as providing potential for a local landmark. In addition, the applicant was advised to involve other Council departments, including Highways and Planning Projects, and to involve the Design Review Panel.

- 4.8. The Heritage Officer advised that given the nearby heritage assets (St Bart's Church and Valley Gardens conservation area) the height of the building should be limited to 4 storeys, subject to the submission of a number of key verified views.

2018:

- 4.9. Proposal: Redevelopment of the site for re-provision of the retail units (Class A1) and ancillary student accommodation uses at ground floor level, and 5 floors of student accommodation above (285 bedspaces).
- 4.10. Provision of replacement retail uses was welcomed, but suggested that the London Road frontage be retained for the retail uses and the student accommodation ancillary uses and main entrance be relocated to Oxford Place, or Oxford Court if could demonstrate pedestrian safety. Requested a more active frontage onto Oxford Place. Also requested predominantly glazed frontages onto London Road and Oxford Street for the retail units. It was advised that this section of London Road has been identified as a pedestrian/vehicle conflict zone and is a busy bus corridor, with poor facilities for pedestrians and cyclists and is within the Air Quality Management Area (AQMA). As such, it was recommended that Transport and Air Quality Officers are included in any subsequent pre-app consultation.
- 4.11. The proposed set back of the upper floors to align with the retail frontage was welcomed in terms of providing a more generous and attractive public realm, a more simplified built form, and its likely benefits in the dispersion of polluted air and in the air quality and noise for the residents on the upper floors. It was also advised that there would be substantial benefits in setting the building line back from Oxford Street, to improve the link between Ann Square and The Level.
- 4.12. Heritage Officer again advised that the development should be restricted to 4 storeys, unless it can be clearly demonstrated in the submissions that a taller building could be accommodated without causing harm to nearby heritage assets, in particular the Grade I Listed St. Bartholomew's Church. The design was considered to be top heavy and the central cut out section of roof was considered to have an awkward appearance and would not reduce the impact on views of local heritage assets.

Members Response (2018):

- 4.13. Councillors supported the redevelopment of the site and the opportunity to replace the existing building with one that contributes more positively to the local townscape.
- 4.14. However, Councillors advised that the loss of retail floorspace within the Prime Frontage would need to be fully justified. Active, glazed frontages should be provided along London Road, Oxford Street and Oxford Place. The loss of the snooker hall community facility would also need to be fully justified.
- 4.15. The proposal for student accommodation would also need to accord with the criteria of policy CP21, and it was noted that the site has been identified for 20 housing units in the SHLAA. However, that the proposal would represent a more efficient use of the site which is a positive.
- 4.16. Councillors supported the design approach with strong, repetitive facades and welcomed the removal of the arcade and the set back of the frontage.

However, this could create a need for a bus shelter given that the overhang of the building would be lost. Concern was raised over the height (6 storeys) and the impact of this on the nearby St Bart's Church. Verified views would be important in assessing this.

Design Panel Response (2018):

Summary:

- 4.17. This scheme has the potential to become a good honest addition to the Brighton townscape, and we welcome the simplicity and rigour of the proposed façades. Impacts on views to the Grade I listed St Bartholomew's Church are a significant concern however, and we feel a revised approach is required to the upper floors, taking the conservation officer's advice for a maximum of four storeys as a starting point for any negotiation. Opportunities to better address the surrounding public realm are positive, we welcome the approach to broadening the pavements on London Road, and recommend opportunities to narrow the carriageway on Oxford Street should be explored.
- 4.18. Some refinement is required to the internal layout of the building, and the potential for greater interaction between the entrance lobby, communal facilities and the courtyard should be explored. A more integrated approach to a mechanical ventilation strategy and inclusion of photovoltaic panels is also required.

5. REPRESENTATIONS

- 5.1. **Four (4)** letters have been received, objecting to the proposed development for the following reasons:
- Noise and anti-social behaviour including car vandalism currently occurs in the area which could increase with additional students – camera system suggested to monitor this;
 - Traffic generation and lack of parking in the area – could worsen illegal parking;
 - Inappropriate height and overdevelopment of site;
 - Overshadowing and restriction of view;
 - Too close to the boundary;
 - Too high a concentration of student accommodation in one area – should be spread out and better integrated;
 - Doctors surgeries and other amenities in this area are over-stretched and this development would add pressure to these services;
 - Existing problems with litter, fly-tipping and rats in the area could worsen as a result of the development;
 - Concern over potential worsening of existing poor air quality in the area;
- 5.2. **One (1)** letter has been received, commenting on the proposed development for the following reasons:
- Good design - pleased that the height has been reduced from previous proposals and welcomes the regeneration of this part of London Road.

- 5.3. The **RSPB** has sent in a letter, commenting on the decline of the local swift population, and seeking the inclusion of 6 to 8no. swift nest bricks within the development.
- 5.4. The **Regency Society**, has commented in support of the application, for the following reasons:
- Support the demolition of the existing building;
 - Design has benefitted from pre-application consultation;
 - Support the retention of retail uses on the ground floor;
 - Support the use of the upper floors for student accommodation;
 - This type of development should help reduce the detrimental impact of HMO student lettings in residential areas.
- 5.5. **The Brighton Society** objects to the application, for the following reasons:
- 5.5.1. Impact on the Valley Gardens Conservation Area and the Grade I Listed St Bart's Church due to the height: The building of 5 storeys is at least 2 storeys too high in relation to views of St Bart's Church from The Level to the east, and in views of The Level from the west, and in the London Road townscape;
- 5.5.2. Impact on the London Road townscape due to the design: The design of the building does not respect the adjacent buildings which have narrower vertical elements - the façade is too long and has insufficient variation within it.
- 5.6. **Conservation Advisory Group (CAG)** objects to the application, as follows:
- 5.6.1. The building at five storeys is at least a storey too high in relation to the views from the Level to Grade I St Bartholomews church and views from the Valley Gardens CA. From those and many other views this proposal will conceal the lower parts of the walls of the church. This will detract from the sheer height of this Grade I structure which is one of its most important visual characteristics.
- 5.6.2. This proposal seems to be considered too high to blend in with the existing street scape of London Road. The scale and setting of London Road at this point makes an important contribution to the visual status of the vertical thrust of the church.
- 5.6.3. Although the design of the present Coop building can easily be bettered, the proposal misses the opportunity of being an item of Star Quality in design. The continuous façade is out of scale and design with the existing style of the street, and some thought should be given to break up the building styles along the frontage and on the return into Oxford Street with something which mirrors the different designs of the existing buildings in these streets.
- 5.7. **Property & Estates Team**, BHCC commented on the application:

- 5.7.1. The Property & Estates Officer provided a response in relation to the Oxford Court car park to the rear of the site, which is currently in the ownership of the Council.
- 5.7.2. The Officer raised concern over the potential intensification of the use of Oxford Court for servicing and deliveries for the proposed development, in terms of how this could interfere with or undermine the operation of the car park. In addition, the Officer advised that the Policy, Resources & Growth Committee resolved (on 11th October 2018) to authorise the sale of the Oxford Court Car Park and to secure the delivery of a new primary healthcare centre. This relates to an intention to expand the existing St Peters Medical Centre on Oxford Street immediately to the east of the development site (no planning application has yet been submitted to the Council for this).
- 5.7.3. The Officer advised that if it can be demonstrated that servicing and delivery vehicles relating to the development site would not need to encroach into the car park land in order to access, turn or park, then there would be no objection to the development. The Officer further advised that it would not be acceptable to provide additional accessible parking spaces within the car park as part of the development requirements.

6. CONSULTATIONS

6.1. Air Quality: Comment

- 6.1.1. Much of the site (adjacent with London Road A23) is within the extant Air Quality Management Area (AQMA) first declared in 2004, last updated in 2013. The declaration is for exceedance of hourly and annual average standard for nitrogen dioxide (protection of human health). Monitoring strongly suggests some of the highest long term pollution levels (compared to elsewhere in Sussex) between London Road-Cheapside and Oxford Street.
- 6.1.2. The site's location is within BHCC's main AQMA. The planned student accommodation and the potential for the proposals to increase emissions warrants a detailed Air Quality Report submitted with the planning application. An addendum has predicted the development's contribution to NO₂ monitoring locations in the vicinity of London Road, Cheapside and Oxford Street.
- 6.1.3. The detailed air quality assessment considers the combined impact of a small (50kw) Combined Heat and Power plant with local traffic emissions along the A23 and other road links in the vicinity. Predictions have been made for; upper stories (more influenced by the emissions from the CHP) at first floor

accommodation and at nitrogen dioxide monitors in the streets nearby; London Road, Oxford Street and Cheapside. In all cases the contribution to long and short term air quality is predicted to be negligible. Accommodation will be in a location where pollution levels currently exceed Air Quality Assessment Levels for nitrogen dioxide.

- 6.1.4. The methodology, findings and proposed mitigation measures set out within the report are satisfactory and can be secured by condition should consent of the application be granted. Mechanical ventilation to ground and first floor is recommended as part of the building design. The air intake shall be at height and position that does not exceed the Air Quality Assessment Level for nitrogen dioxide. Long term filtration of NO_x is not recommended. I would request that further mitigation measures are provided, as set out below within the conditions recommended.
- 6.1.5. The building is stepped back from London Road (A23) and the development will effectively widen the street which is a benefit for dispersion and dilution of road traffic emissions where air quality standards exceed limits. The wider concourse will provide more room for pedestrians.
- 6.1.6. The air quality assessment is based on minimal trips to the site as the development has very limited parking provision. However the database is not likely to take full account of taxi and internet deliveries.
- 6.1.7. The student term time and summer accommodation will be managed so that arrivals and departures are allocated times, rather than all trips made simultaneously. This helps to avoid congestion and mitigate emissions.
- 6.1.8. Conditions recommended:
- Ground and first floor windows to be hermetically sealed and Details to be submitted for ventilation of first floor and include high level air intake.
 - CHP plant to not exceed output of 50kw or NO_x emission rate of <40 mg/ kWh.
 - All boiler flues shall have vertical termination above roof.
 - HGVs used for demolition and construction of the development shall be minimum euro-VI emission standard.
- 6.1.9. CEMP requirements:
- The developer shall comply with Stage IIIB of EU directive 97/68/EC for NO_x emissions limits from Non-Road Mobile Machinery NRMM in accordance with DfT guidance, Improving Air Quality Reducing Emissions from NRMM.

- If plugged in places cannot be provided, battery energy or ultralow sulphur diesel shall be used for all static generators required during construction
- Red diesel shall not be used for NRMM and static generators working on the site in the urban AQMA in accordance with the government's proposals set out in the 2019 national air quality strategy.

6.2. **City Regeneration: No objection**

6.2.1. City Regeneration supports this application with suggested conditions. With deference to comments by Planning Policy.

6.2.2. City Regeneration understands the site is still in use as two Class A retail units on the ground floor whereas the upper floor was used as a snooker club which went into administration in 2017.

6.2.3. City Regeneration notes that under policy HO20 in the Local Plan, it states, 'Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.' City Regeneration regrets the loss of Class D2 on the upper floors and considers evidence of marketing the premises for community/leisure use needs to be submitted with this application, to demonstrate redundancy of use.

6.2.4. City Regeneration welcomes Boots and the Co-op wishing to remain trading from this site and therefore the retail units already have vendors suited. The retail units will be easily accessed from London Road. It is anticipated that 27 full-time and 20 part-time staff would be employed on-site. This equates to two more full time staff than are currently employed at this location.

Developer Contributions

6.2.5. Should this application be approved, due to the proposed student accommodation (new non-residential floorspace), it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The breakdown of the developer contributions is as follows:

Category	No of Units	Contribution for unit	Total
Student units	232	£100	£23,200

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

6.2.7. The strategy should demonstrate how the developer or their contractors will provide opportunities for employment and training for local people.

- 6.2.8. Guidance on the production of the strategy can be gained from the council's Local Employment Scheme Co-ordinator and early contact is recommended to avoid any delays in commencement.
- 6.2.9. It is also suggested that reference is made to CITB (Construction Industry Training Board) guidance regarding KPIs for developments of this kind. The KPIs are based on value, and again the Local Employment Scheme Coordinator is available to provide guidance.
- 6.2.10. Recommendation: Support with conditions:
- The submission of developer contributions of £23,200 prior to commencement.
 - The submission of an Employment & Training Strategy no later than 1 month prior to formal site commencement.

6.3. County Archaeologist: No objection

- 6.3.1. Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6.4. Environmental Health: No objection

- 6.4.1. Recommendation: Approve with conditions:
- Noise Management Plan for the external courtyard: requiring details of hours of use, restrictions on events and the use of amplified music, and monitoring.
 - Restriction on noise levels from plant and machinery at the development.
 - External lighting details.
 - Construction Environment Management Plan (CEMP)
 - Contaminated Land

6.5. Heritage: Comment

Statement of Significance

- 6.5.1. The existing building on the site is a large footprint retail block dating from the 1970s. It is of no architectural or historic interest. It replaced small-scale 19th century commercial and residential development. The site lies just to the west of the Valley Gardens conservation area, which is a linear area comprising the series of public open spaces that run from Old Steine in the south to The Level in the north but which also includes the historic private communal gardens of Park Crescent . These open spaces have great historic value in the way that they reflect the topography of

Brighton and how it was developed from the late 18th century onwards. They reflect the route of the Wellesbourne, a winter-bourne stream that ran from the Downs to the sea but which was culverted in the later 19th century. The pattern of development saw grand terraces and some individual buildings constructed to front onto the open spaces. Despite some late 19th and 20th century redevelopment this pattern of development has continued. The application site in its current form makes a negligible or minor adverse contribution to the setting of the conservation area.

- 6.5.2. The Level, to the east of the site, is one of the major component public gardens within the conservation area and is locally listed. It was first formally laid out as public space in 1822 and it generally retains its 19th century layout, including the perimeter avenue of Elm trees planted in 1877. It has design and landscaping interest and much social and historic interest.
- 6.5.3. The one major structure within the central gardens, to the southeast of the application site, is the grade II* listed St Peter's Church, which was built 1824-28 to the designs of Sir Charles Barry and extended with new chancel, vestry and south east chapel in 1898-1906 by George Somers Clarke the younger and JT Micklethwaite. It is in a broadly Perpendicular Gothic style in Portland Stone with extensions in Sussex sandstone. The church is both a local landmark and city-wide one, with its pinnacle tower being a highly notable feature in a number of views.
- 6.5.4. To the south of the site, also within Valley Gardens, are three terraced groups of residential listed buildings, all grade II: Nos. 1, 2 and 3 and 4-9 St Peter's Place of c1825; nos. 3 and 5-13 Ditchling Road of c1815; and nos. 4-9 Queen's Place, also of c1815. The taller St Peter's Place terrace is bookended by grander buildings and is notable for its south-facing frontage, which is particularly prominent in the conservation area and forms part of the setting of the church.
- 6.5.5. To the west of the site, behind London Road, is the grade I listed St Bartholomew's Church. Built in 1872-4 to the designs of the local architect Edmund Scott for the Rev. Arthur Wagner. It is in red brick and Gothic in style but is most notable for the exceptional height of its nave, the highest in Britain, crowned by a wagon roof with tie-beams and kingposts, and without aisles. The arched entrance is to the front (south) elevation, which carries the main architectural interest, including stone banding and gloriously large Rose window to the gable. The east and west side elevations are sheer, plain brick unrelieved apart from high level lancet windows that are only really apparent in longer views. The church is a city landmark and once dwarfed the narrow streets of two and three storey housing that it served. Even now it still dominates its surroundings but the surrounding area has been greatly

redeveloped in the 20th century and into the current century. Its setting is therefore quite extensive. The significance of this church derives partly from its sheer scale and the height of the nave.

- 6.5.6. There are two locally listed buildings nearby in Oxford Street: number 26 is a small cobble-fronted house dating from the early 19th century; the Church of Christ is a small non-conformist chapel dating from 1890 but in late Georgian style. Both have a mixed urban setting. Further north in London Road is the locally listed former Co-operative department store at 84-103 London Road, of 1931. Only the front façade has been retained, which is in stripped classical style with modernist glazing. It forms a focal point in London Road due to its scale, siting and imposing frontage.
- 6.5.7. On the ridge line to the east of the site is the distinctive outline of the grade II listed Arundel at the Brighton General Hospital site on Elm Grove, the former workhouse and infirmary building dating from 1867. This is a local landmark at the top of the hill, with its long massing and distinctive tower. This planned scale and prominence is part of the building's architectural and historic interest and therefore part of its significance.

The Proposal and Potential Impacts

- 6.5.8. The replacement of the existing unattractive, low-slung building is welcomed and the site has the potential to accommodate greater height. The design of the building frontage as shown is considered to be of appropriately good quality and has evolved positively since the initial pre-application submission. The scale of the building fronting onto London Road is considered to be appropriate to the scale and importance of this major commercial thoroughfare and would not impact on the grandeur of the locally listed frontage to the former Co-operative store. There is some concern about the abrupt change in scale along Oxford Street and some stepping down in height along this elevation would be preferable. Nevertheless, Oxford Street is comparatively wide and is very mixed in terms of roofline and architectural treatment and materials. It is not considered that there would be any harm to the settings of the two locally listed buildings in Oxford Street. The largely blank frontages to Oxford Street and Oxford Place are a more significant matter of concern, particularly Oxford Street which is proposed within SPD10 as a strengthened pedestrian link between The Level and Ann Street (and Brighton Station beyond).
- 6.5.9. From Ann Street the proposed development would present a more attractive and lively closure of the vista towards London Road; it would also modestly improve the setting of St Bartholomew's Church in this view. However, at the same time the development would obscure the view towards the distinctive outline of the listed Arundel Building on the ridge line above the tree canopy of The Level and would do so for the full length of Ann Street as the

viewer moves down the hill, although in summer the two trees in the front gardens of the houses do obscure the hospital. This large building was the main element of the workhouse complex, which deliberately occupies a site on high ground at the ridge of the eastern valley side. It is a city-wide landmark that is visible on the ridgeline from a number of locations in the city, silhouetted against the sky. This planned scale and prominence is part of the building's architectural and historic interest and therefore part of its significance. This impact would therefore cause some harm to the setting of the listed building. The harm would be towards the lower end of 'less than substantial' under the terms of the NPPF, though must still be given great weight when weighing it against the public benefits of the scheme.

- 6.5.10. The proposed development would have some impact on views towards St Bartholomew's Church from The Level (in winter) and from Ditchling Road looking along Oxford Street. But these impacts would not adversely affect the visual primacy of the church or the way in which it is experienced in the townscape. There would be negligible impact on the setting of The Level itself as a locally listed heritage asset. The development would also have some impact in kinetic views towards St Peter's Church from London Road (such as View 1 in the Design and Access Statement) but it would not impact on the outline of the pinnacle tower, which would continue to close off these views moving southwards.
- 6.5.11. There would be some impact on views of the grand listed terrace at St Peter's Place, from west of St Peter's Church and from Waterloo Place, but the development would not rise above the roofline or impact significantly on the silhouette of the terrace or otherwise dilute its townscape prominence. There would overall be no harmful impact on the setting of these listed buildings. There would be negligible impact on views of the listed buildings in Ditchling Road. There would be some impact on the setting of the listed terrace at Queen's Place, as the new development would rise up notably higher above the Brunswick Row roofs in views northwards. But this impact would not be harmful given the existing context of this artisan terrace and the ad hoc nature of the existing view northwards.
- 6.5.12. The proposed development would impact on various views from, into and across the Valley Gardens conservation area (some referred to above in the context of other heritage assets) but these visual impacts would be modest and not harmful given the mixed urban context. The proposed uses and nature of the development would have no impact on the way in which the conservation area would be experienced. Therefore overall the setting of the conservation area would be preserved.

- 6.5.13. *Updated Comments:* The amendments to the proposed south and north elevations at ground floor level – including the introduction of community space on the Oxford Place frontage - would provide significantly greater visual interest and vitality to these two streets and it is considered that the previous concerns in this respect have now been satisfactorily addressed, subject to greater detail by condition.
- 6.5.14. The lack of any amendment to the height and roofline in Oxford Street, to step down the height from west to east, is disappointing. However this is not considered to be an issue of great concern in the overall context of the development.
- 6.5.15. The comments of the applicant’s heritage consultant in respect of the impact on the setting of the listed BGH Arundel Building are noted, but would not lead to any revision of the previous Heritage comments. The harm to the setting of the Arundel Building can, though, be weighed against the heritage and townscape benefits set out in the previous comments.
- 6.5.16. Any approval should be subject to approval of materials and to a condition requiring submission of 1:20 scale details of the ground floor shop fronts, entrance doors and metal fretwork.

6.6. **Planning Policy: Comment**

Policy DA4

- 6.6.1. The site is located within the New England Quarter London Road Development Area, as set out in Policy DA4 of the City Plan Part One. The strategy for this development area includes the revitalisation of the London Road shopping area, with the local priorities to achieve the strategy including managing, enhancing and consolidating the existing retail provision within the defined prime frontage of London Road Town Centre, and working with landowners and traders to secure the redevelopment/ refurbishment of key retail sites along London Road. The proposed re-provision of modern retail units would assist in achieving these strategic aims.

Purpose Built Student Accommodation (PBSA)

- 6.6.2. Part (i) of City Plan Policy CP21 relates to new PBSA developments and states that the provision of PBSA is encouraged subject to seven criteria being met.
- 6.6.3. Criteria i/A/6 of Policy CP21 states that proposals for new PBSA “should demonstrate that they have entered into a formal agreement with the support of one of the city’s two Universities or other existing educational establishments within Brighton & Hove.” A letter of support has been received from the nearby King’s College however this is not a formal agreement as required by the

policy. The letter states that the college is seeking to expand and has an urgent need for more student accommodation.

- 6.6.4. It should be noted that a PBSA development catering for a new source of demand for accommodation would fail to deliver the strategic benefit to the city of a reduction in pressure on existing housing stock caused by fewer students potentially residing in HMOs. The greatest source of unmet need for PBSA stems from University of Brighton students, and the applicant would be advised to liaise with the university with regard to the potential for housing students in the new development.
- 6.6.5. The site has good public transport and road links to the university campuses, and no concerns are therefore raised with criterion (3).
- 6.6.6. With regard to criterion (7), the site is identified as a potential housing site in the 2017 SHLAA. However, the site is a proposed allocation for PBSA under Policy H3 of the draft City Plan Part Two. Whilst this policy has very limited weight at present, it indicates that the Council considers the site to be suitable, in principle, for PBSA development and justifies an exception to this clause of CP21.
- 6.6.7. Compliance with the other criteria of Policy CP21 is for determination by the case officer.
- 6.6.8. It is welcomed that the proposed development includes a majority of cluster flats, as these are considered to be appropriate and more affordable to the majority of students. This is supported by CPP2 Policy DM8 – although very limited weight can be given to this policy at present, it indicates the direction of travel for the Council's policy requirements for PBSA.
- 6.6.9. Loss of Community Facility
The snooker club use currently on the upper floors of the existing building is considered to be a community facility and is therefore protected by Local Plan Policy HO20.
- 6.6.10. The applicant states in the Planning Statement that the site allocation in City Plan Part Two negates the requirements of Policy HO20. However, CPP2 is an early stage of preparation and only very limited weight can be given to its policies, whilst Policy HO20 remains part of the development plan for the city.
- 6.6.11. It is noted that the snooker club has been closed for over a year since entering receivership and that other snooker clubs exist in the city and are relatively easily accessible from London Road. It is therefore considered demonstrated that the site is not needed for the existing community use. Policy HO20 further requires that it be demonstrated that the site is not needed for other types of

community use. This should be addressed by the applicant. Consideration should be given to the incorporation of alternative community uses in the proposed development.

- 6.6.12. *Update Jan 19:* Revised plans indicate a 70m² community space has been incorporated into the proposed development. This is welcomed, however no indication has been given as to the future use of the space, and the applicant is advised to liaise with the local community to ensure it can be used in a way that best meets local needs.

Retail

- 6.6.13. The site is located within the London Road Town Centre identified in City Plan Policy CP4 and saved Local Plan Policy SR5 which seeks to protect retail frontages in defined centres. A section of retail frontage will be replaced with the office/reception area for the PBSA scheme. It is noted that the entrance to the former snooker club currently occupies a smaller portion of the retail frontage so there is already an interruption in the frontage, however the proposed scheme would increase the length of this.

- 6.6.14. Policy SR5 does not allow for the change of use of existing Class A1 use apart from to Class A2 and A3 uses when certain criteria are met, and for some Class D1 community uses (e.g. doctors, dentists) provided that a window display is maintained and it can be demonstrated that the proposed use would draw pedestrian activity into the Centre. This element of the proposed scheme therefore does not comply with this policy.

- 6.6.15. The applicant provides some justification for the exception to this policy by stating, in summary, that modern shopfronts and removal of the canopy on the rest of the site are adequate mitigation.

- 6.6.16. It is acknowledged that a street level entrance/reception is necessary for the safe operation of the PBSA development and that it would still represent a form of active frontage onto London Road, however it is regrettable that this is not located away from the primary retail frontage of London Road.

- 6.6.17. *Update January 2019:* The plans have been amended to extend the retail frontage further along London Road. The break in retail frontage now appears to be similar to the existing break caused by the entrance to the snooker club. This amendment is welcomed.

Outdoor Recreational Space (HO6)

- 6.6.18. No on-site outdoor recreation space is proposed for the occupiers of the development. The open space ready reckoner should be used to determine an appropriate contribution towards off site provision.

London Road Central Masterplan (SPD10)

- 6.6.19. The site is located within the London Road Central Masterplan area. The proposed development is considered to broadly conform to the objectives of the masterplan, in particular by providing improvements to the public realm and urban design and investment to the area's retail provision and the replacement of existing poor quality buildings with new high quality mixed use buildings

Waste Management

- 6.6.20. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation.
- 6.6.21. Paragraph 49 of the National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy.
- 6.6.22. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location of recycling facilities is indicated on the submitted plans and no concerns are raised with regard to this policy.
- 6.6.23. Recommendation: *Update January 2019:* The amended plans have satisfactorily addressed the previous policy concerns relating to the break in retail frontage and loss of the community use.

6.7. **Policy Projects (Public Art): Comment**

- 6.7.1. Adopted City Plan Policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 6.7.2. The level of contribution required for this development is arrived at after the internal gross area of the development (in this instance approximately 9,276 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. It is suggested that the Artistic Component element for this application is to the value of £72,000.
- 6.7.3. Recommendation: Approve with inclusion of the following Section 106 agreement schedule:

Artistic Component

- 6.7.4. The Developer covenants with the Council to commission and install on or within the vicinity of the Property an Artistic Component to the value of £72,000 including installation costs prior to first occupation of the development in accordance with the terms set out in paragraphs 2 to 7 (inclusive) of this Schedule.
- 6.7.5. All proposals for the Artistic Component must first be approved in writing by the Director before being formally commissioned.
- 6.7.6. The commissioning process proposed for the Artistic Component must be approved in writing by the Director prior to the artist being formally commissioned and prior to Commencement of Development.
- 6.7.7. The Artistic Component should be integrated as agreed by the Developer as part of the building/development design or located elsewhere in the immediate vicinity at the discretion of the Council.
- 6.7.8. The Artistic Component must bear a relationship to its surroundings and any particular characteristics of the locality.
- 6.7.9. If the Artistic Component will be accessible to the public then a robust design will be necessary.
- 6.7.10. The Artistic Component must be installed to the satisfaction of the Council.

6.8. **Sustainability: Comment**

- 6.8.1. The proposals indicate that the development will meet BREEAM Excellent, with the following target scores:
 - Management: 12/18
 - Health & Wellbeing: 14/18
 - Energy: 15/23 (although much for Ene01 the detail was absent)
 - Transport: 9/9
 - Water: 5/8
 - Materials: 8/14
 - Land Use & Ecology: 8/10
 - Waste: 4/8
 - Pollution: 11/13
 - Innovation: 1
- 6.8.2. At present, the development is proposing an air source heat pump (size not confirmed) and a 112kWp solar panel array. Both of these LZC technologies are welcomed.
- 6.8.3. The primary heating solution is for communal gas-fired boilers, to be housed in two plant rooms totalling a substantial (300sqm). Given the location is within DA4, the development is required to consider heat networks, subject to viability. The proposed secondary distribution system is appropriate to a future district heat network connection, although it is recommended that plant room space, appropriate metering and a pipe run are safeguarded in for a future connection.

- 6.8.4. The Energy Statement notes that CHP is a viable and attractive proposition for a development of this type. This would have a significant carbon benefit to the development and likely reduce the running costs of the building considerably. It is highly recommended that this is supported, along with an analysis of the impact and opportunities to mitigate against any increase in local emissions. The CHP should be sized according to CIBSE guidance and become part of the CHP Quality Assurance Programme (CHPQA).
- 6.8.5. No information is provided with regards to the development's water strategy, nor how it will address the wider aims and objectives of policy CP8.
- 6.8.6. Recommend conditions to secure BREEAM Excellent and for details of connection of the plant rooms to a future district heat network in the area.

6.9. **Sustainable Drainage:** Support

- 6.9.1. We are satisfied the applicant has considered the use of SuDs and that the development is not able to feasibly incorporate them, but would like to make the applicant aware of a flooding incident indicated at the proposed site which is recorded in our GIS data and believed to have been from the sewer. Recommend approval.

6.10. **Sustainable Transport:** Comments

Summary of Comments

- 6.10.1. Particular concern raised over:
 - The lack of consideration of delivery and servicing needs for the student element and the absence of appropriate related facilities. This has the potential to affect highway safety and access on already sensitive roads.
 - The lack of any Personal Injury Accident analysis.
- 6.10.2. Also concerned about:
 - the lack of accessible parking for the retail component of the site, and
 - potentially insufficient aisle widths within the cycle store.
- 6.10.3. The Transport Officer considers that the development will not result in an increase in person trips, and therefore no sustainable transport contribution is required. However, off-site highway improvements are recommended:
 - provide additional accessible parking spaces in the Oxford Court car park (see above);
 - reconfigure the existing loading/servicing facilities in the Oxford Court car park for the retail components of the site;

- improve the footways on Oxford Court and Oxford Street from the car park to the London Road frontage of the development to make them accessible, to include works at the junction of Oxford Court and Oxford Street to mitigate the change to the visibility splay at this junction;
 - widen and protect the northern footway of Oxford Place to secure appropriate access to the proposed new cycle store for the student component of the development;
 - provide alternative shelter for people waiting for buses on London Road (by way of dedicated shelters) since they will no longer be able to do so under the existing colonnade.
- 6.10.4. We recommend that a permissive path agreement is secured to allow the public access to the new forecourt/set-back on London Road.
- 6.10.5. We recommend that Travel Plans are secured for the different components of the site. A move-in/out strategy is also recommended.
- 6.10.6. The applicant is proposing that the student component of the site is car free. We recommend that this is secured via a section 106 agreement.
- 6.10.7. Because of the scale of the development and the sensitivity of the surrounding streets, we recommend that both a DEMP (Demolition) and CEMP (Construction) are secured.
- 6.10.8. Owing to some remaining issues with the proposed cycle parking, we are recommending that details of a cycle parking scheme are secured through a condition in the “Notwithstanding the plans hereby permitted...” format to allow further changes to be made.
- 6.10.9. In response to the Transport Officer comments, the applicant provided a Technical Note (dated 26/2/19) which includes a Personal Injury Accident analysis and proposals for consolidating personal student accommodation deliveries.
- 6.10.10. The Transport Officer responded (04/03/19) that the inclusion of the personal injury accident information is supported and agreed that this does not indicate any issues within the immediate vicinity of the site. However, in terms of personal deliveries to the student accommodation, the additional information highlights the problem with the increase in ‘gig-economy’ type deliveries which are uncontrollable. There appears to be no best-practice way to attempt to consolidate deliveries for supermarket food deliveries, hot food orders or grocery boxes which are all undertaken as an individual delivery. Further, there is no strategy outlined which states how this method of stated consolidation is achieved or enforced. Student personal deliveries are also likely to be much greater than a pool hall (deliveries to which would be easy to consolidate), with many utilising services such as ‘Amazon Prime’. The Transport Officer requires evidence-based solutions prior to

providing support for the application. The previous recommendation stands.

- 6.10.11. The applicant provided further information on 06/03/19, advising that deliveries relating to the student accommodation would amount to only 2 or 3 per day if their proposed delivery strategy were implemented, and that the width of the highway in Oxford Court (between 7.4m and 10.4m) would be likely to enable cars and light goods vehicles (LGVs) to turn within Oxford Court without encroaching onto the Oxford Court car park.
- 6.10.12. The Transport Officer responded (06/03/19) that subject to the provision of tracking drawings demonstrating that cars and LGVs would be able to enter and exit Oxford Court without encroaching on the adjacent car park, a suitable highway works scheme and a comprehensive Delivery and Servicing Management Plan, the development could be acceptable.

EXTERNAL

6.11. Southern Water: Comment

- 6.11.1. The exact position of the combined sewer and water main must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the combined sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 6.11.2. Recommend the following condition if the development is granted: "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect and divert the public sewers and water apparatus, prior to the commencement of the development."
- 6.11.3. Southern Water has undertaken a desk study of the impact that the additional surface water sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Southern Water hence requests the following condition to be applied: "Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"
- 6.11.4. It is important that surface water discharge to sewer occurs only where this is necessary and where adequate capacity exists to

serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

6.11.5. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

6.11.6. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

7. MATERIAL CONSIDERATIONS

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

7.2. The development plan is:

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

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
CP2	Sustainable economic development
CP4	Retail provision
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD27	Protection of amenity
HO20	Retention of community facilities
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD10	London Road Central Masterplan
SPD14	Parking Standards

Supplementary Planning Guidance:

SPGBH9	Open Space Requirements
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- The impact of the development on the Prime Retail Frontage and the pedestrian environment;
 - The design and impact of the development on local heritage assets and the street scene;
 - The loss of the snooker hall use and policy HO20;
 - The proposed student accommodation and compliance with CP21;
 - The amenity of the future occupiers and neighbouring properties;
 - The impact of the development on the highway and the adjacent car park, and
 - The impact of the development on local air quality

The impact on the Prime Retail Frontage and the pedestrian environment

- 9.2. The site lies within a Development Area (policy DA4 – New England Quarter and London Road) of the City Plan Part 1 and within the Prime Retail Frontage of London Road Town Centre. One of the aims of policy DA4 is to secure the redevelopment/refurbishment of key retail sites along London Road. Paragraph 3.50 states that the priority for the shopping area is to enhance and consolidate the existing retail provision within London Road shopping centre and improve the physical environment. Paragraph 3.51 identifies a need to improve the pedestrian environment, local air and noise quality, and enhance urban biodiversity to the benefit of walking and cycling links in the area.
- 9.3. The Policy Officer considers that the proposed re-provision of modern retail units would assist in achieving these strategic aims. However, the initial proposals would reduce the length of retail frontage, which raised objection from Officers in respect of policy SR5. In response, the plans were amended to increase the length of retail frontage by reducing the student accommodation façade on London Road. The break in retail frontage now appears to be similar to the existing break caused by the entrance to the snooker club. This amendment is welcomed by Officers.
- 9.4. The applicant was also requested to amend the plans to increase the area of glazing at ground floor level in the frontages along Oxford Street and Oxford Place, as they form part of the Prime Retail Frontage. Although there is very limited glazing on these frontages currently, the redevelopment of the site is an opportunity to significantly improve it. The plans were accordingly amended with increased areas of glazing on both Oxford St and Oxford Place, and areas of blank brick wall at ground and upper floors on these frontages and onto Oxford Court at the rear, are proposed to be decorated with either PPA metal fretwork in a chevron pattern with blue and neutral colours, or with patterned brickwork. It is considered that this detailing would add interest to the street scene and the increased amount of glazing would now meet the aims and objectives of policy DA4 and Local Plan policy SR5 in this respect.
- 9.5. The proposals would result in a net reduction in retail floorspace, from 1820sqm (GIA) to 1082 (GIA) (excluding the retail storage areas). This is due to the ancillary PBSA uses and the community use proposed on the ground floor. However, there would be no loss of retail frontage on London Road, the main high street, and Oxford St and Oxford Place would benefit from an increased amount of glazing and more activity, particularly on Oxford Place where a bike store, launderette, 2 secondary entrances to the PBSA and a community use are proposed where there is currently a blank brick wall. As such, in this instance it has been demonstrated that the net loss of retail floorspace would not result in a reduction of vitality and viability, would create more active frontage than the existing building, and the criteria of policy SR5 have been met.
- 9.6. It is disappointing that despite encouraging the applicant at pre-app stage to increase the pavement width on Oxford Street in order to help meet the

objectives of policy DA4 and SPD10 to improve pedestrian links between The Level open space and St Ann Square, the proposals do not do this and instead maintain the building line. However, the proposed development would go a significant way to meeting the policy objectives of improving the pedestrian environment, as well as improving poor local air quality, through the proposed removal of the arcade (overhang) on London Road and the increased glazing and activity in Oxford Street and Oxford Place.

- 9.7. The development would also replace a poor quality building with a new high quality mixed use building, which would also help to meet the policy objectives of improving the urban realm. The provision of public art (or artistic component) within the vicinity of the site to a value of at least £72,000 has been agreed with the applicant (as set out in the s106 heads of terms), which would contribute towards urban realm improvements in and around the site. Overall, it is considered that the proposed development would help to regenerate this part of London Road and would comply with policy DA4 of the City Plan (Part One), London Road Central Masterplan SPD10 and SR5.

The design and impact of the development on local heritage assets and the street scene

- 9.8. Officers welcome the replacement of the existing unattractive, low-slung building with the better articulated and stronger design of the proposed building. The design of the building is considered to have evolved positively since the pre-application submissions.
- 9.9. Some neighbours, the Brighton Society and the Conservation Advisory Group have objected to the application on grounds of the 5 storey height of the proposed development and the potential impact on amenity and heritage assets. During pre-application discussions Members were concerned that 6 storeys would be too high and the Design Panel advised that 4 storeys would be the 'starting point' subject to the submission of key verified views, which was also the opinion of the Heritage Officer.
- 9.10. The Heritage Officer considers the scale of the proposed development fronting onto London Road is appropriate to the scale and importance of this major commercial thoroughfare and would not impact on the grandeur of the locally listed frontage to the former Co-operative store. There is some concern about the abrupt change in scale along Oxford Street from the predominantly two storey buildings to the five storey building proposed. However, Oxford Street is comparatively wide and is very mixed in terms of roofline and architectural treatment and materials, and as such the Heritage Officer does not consider that there would be any harm to the settings of the two locally listed buildings in Oxford Street. The Heritage Officer welcomes the amendments to the proposed south and north elevations at ground floor level – including the introduction of community space on the Oxford Place frontage. 1:20 scale details/drawings of the ground floor shop fronts, entrance doors, and metal fretwork are required by condition, in addition to the submission of external materials samples.

- 9.11. From Ann Street the proposed development would present a more attractive and lively closure of the vista towards London Road; it would also modestly improve the setting of St Bartholomew's Church in this view. However, at the same time the development would obscure the view towards the distinctive outline of the listed BGH Arundel Building on the ridge line above the tree canopy of The Level and would do so for the full length of Ann Street as the viewer moves down the hill, although in summer the two trees in the front gardens of the houses do obscure the hospital. This impact would therefore cause some harm to the setting of the listed building. The harm would be towards the lower end of 'less than substantial' under the terms of the NPPF, though must still be given great weight when weighing it against the heritage and townscape benefits of the scheme.
- 9.12. The proposed development would have some impact on views towards St Bartholomew's Church from The Level (in winter) and from Ditchling Road looking west along Oxford Street. But these impacts would not adversely affect the visual primacy of the church or the way in which it is experienced in the townscape. There would be negligible impact on the setting of The Level itself as a locally listed heritage asset. The development would also have some impact in kinetic views towards St Peter's Church from London Road (such as View 1 in the Design and Access Statement) but it would not impact on the outline of the pinnacle tower, which would continue to close off these views moving southwards.
- 9.13. There would be some impact on views of the grand listed terrace at St Peter's Place, from west of St Peter's Church and from Waterloo Place, but the development would not rise above the roofline or impact significantly on the silhouette of the terrace or otherwise dilute its townscape prominence. There would overall be no harmful impact on the setting of these listed buildings. There would be negligible impact on views of the listed buildings in Ditchling Road. There would be some impact on the setting of the listed terrace at Queen's Place, as the new development would rise up notably higher above the Brunswick Row roofs in views northwards. But this impact would not be harmful given the existing context of this artisan terrace and the ad hoc nature of the existing view northwards.
- 9.14. The proposed development would impact on various views from, into and across the Valley Gardens conservation area (some referred to above in the context of other heritage assets) but these visual impacts would be modest and not harmful given the mixed urban context. The proposed uses and nature of the development would have no impact on the way in which the conservation area would be experienced. Therefore overall the setting of the conservation area would be preserved.
- 9.15. Although the development would obscure some views of the grade II listed BGH Arundel Building, which the Heritage Officer considers would cause 'less than substantial harm' to the setting of this listed building, and there would be some negative impact on Oxford Street due to the abrupt change in height from the existing buildings, overall, Officers consider that the proposed redevelopment would improve and strengthen the street scene, and improve

the views from St Ann Square and the grade I listed St Bart's Church, subject to details of the materials and shop front design, to be submitted by condition. As such, it is considered that the proposed development is in compliance with CPP1 policies DA4, CP12, CP13 and CP15, and retained Local Plan policies QD5, HE3 and HE6, as well as the Masterplan townscape objectives of SPD10.

Loss of the snooker hall use and policy HO20

- 9.16. Although the snooker club vacated the upper floors of the existing building over a year ago, the authorised use of the premises is D2 Use Class and is a community facility. As such, alternative community uses should be explored before a change of use is considered, as set out in retained Local Plan Policy HO20.
- 9.17. The applicant states in the Planning Statement that the site allocation in the Draft City Plan Part Two for Purpose Built Student Accommodation (PBSA) (min. 150 bedspaces) negates the requirements of Policy HO20. However the Policy Officer advises that CPP2 is at an early stage of preparation and only very limited weight can be given to its policies, whilst Policy HO20 remains part of the development plan for the city.
- 9.18. As a result, revised plans were submitted to indicate a 70sqm community space within the ground floor along Oxford Place. Although the applicant has not yet found an occupier, they have provided evidence that local Ward Councillors and the Local Action Team have been contacted to explore options for this. Initial feedback is that there could be demand for ad hoc community activities such as small clubs and parties.
- 9.19. Officers consider that the inclusion of this community space overcomes the previous policy objection to the loss of the community use, and justifies an exception to policy HO20.

The student accommodation and compliance with CP21

- 9.20. Part (i) of City Plan Policy CP21 relates to new PBSA developments and states that the provision of PBSA is encouraged subject to seven criteria being met.
- 9.21. Criteria 1: Protect residential amenity in the surrounding area. Given the site's location within a busy shopping frontage, there is a high level of background noise from traffic and passers-by that existing neighbours will already experience. The PBSA is proposed to be 'car free'. There is limited space on the pavements surrounding the site for students to loiter and cause a noise nuisance. The main amenity space is within the enclosed courtyard within the site, which will be subject to a Noise Management Plan, recommended by the Environmental Health Officer, to restrict: hours of use, events and the use of amplified music within the external courtyard and details of how this will be monitored. On this basis it is considered that the proposed development complies with criteria 1.

- 9.22. Criteria 2: This stipulates that high density developments will be encouraged but only in locations where they are compatible with the existing townscape. The proposed development is less than 6 storeys in height and therefore would not be classed as a 'Tall Building' in policy terms. The proposed building of 5 storeys is considered to be broadly compatible with the London Road townscape, which ranges in height from predominantly 3 storeys to up to 5 storeys (including the former Coop building to the north) and the nearby taller Listed St Bart's and St Peter's Churches 'pop up' in views along London Road.
- 9.23. The proposed building (5 storeys) would step up by one storey from the new Buxtons development (4 storeys) to the east along Oxford Place, and would be approximately 5 metres taller than the existing building. The buildings on the south side of Oxford Place range in height from 1 to 3 storeys. Although the proposed development would be taller than the other buildings along this street, it would be only one storey taller than the adjacent building and would therefore fit into the townscape along Oxford Place.
- 9.24. Along Oxford Street where there are 2, 3 and 4 storey buildings, again the development would be taller than the local townscape. The step up in height from the adjacent property to the east, St Peters Medical Centre (2 storeys) would be significant, albeit the entrance to Oxford Court would provide some separation between these buildings. However, when viewing the development from the eastern end of Oxford Street, the large St.Bart's Church terminates the view, which would help to reduce the impact of the step-up in height.
- 9.25. The scale of the proposed PBSA development would therefore be compatible with the existing townscape.
- 9.26. Criteria 3: The site meets the requirements of this criteria, as it is located along a sustainable transport corridor, well served by buses into and out of the City centre, and to the university campuses.
- 9.27. Criteria 4: This states that proposals should not lead to an unacceptable increase in on-street parking in the surrounding area. The development is proposed to be 'car free', and the Transport Assessment advises that the PBSA would have a tenancy agreement that would restrict the ownership and use of private cars. The Transport Officer recommends that the car-free nature of the development should be secured through a section 106 agreement. However, it is considered that this is unnecessary given that the proposed plans do not indicate any car parking spaces within the development site. Instead it is recommended that a condition be applied preventing the occupants from applying for a parking permit. In terms of enforcement once the PBSA is operational, the applicant proposes that illegal parking would be controlled through the PBSA management team liaising with the police who can check registration numbers with the DVLA and take the appropriate action.

- 9.28. The Draft Student Management Plan in Appendix 4 of the Transport Assessment describes how the arrival and departure of students at the start and end of term will be managed. It refers to students being given a designated time slot and drop-offs and pick-ups are proposed to take place in Oxford Court Car Park at the rear of the site. This approach is welcomed however it is considered that a more detailed Student Management Plan should be secured by condition which takes into account the move in and move out strategy for the adjacent Kings Education site (on the corner of Oxford Place and Ditchling Road) and the current use and operation of Oxford Court and the Oxford Court car park.
- 9.29. The Transport Officer also raises concern over the potential impact on the highway from deliveries to the PBSA which the applicant has sought to address through a Technical Note (dated 26/2/19) and email correspondence. The Transport Officer considers that the objection to the development could be overcome through satisfactory tracking drawings and a detailed Delivery and Servicing Management Plan, which is to be secured by condition. It is anticipated that tracking drawings and further comments from the Transport Officer will be provided on the Late List prior to the Committee meeting.
- 9.30. Criteria 5: Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area. The proposed development would not reduce the permeability or undermine the character of the surrounding area. The main entrance to the student accommodation is located on the London Road frontage, which leads directly into the reception area which would provide a safe and secure access into the PBSA. The bike store and laundry room are accessed from Oxford Place with no recessed entrances. Details of secure access to the bike store are to be secured by condition.
- 9.31. Criteria 6: Proposals should demonstrate that they have entered into a formal agreement with the support of one of the city's two Universities or other existing educational establishments within Brighton & Hove. A letter of support has been received from the nearby King's Education, Brighton campus on the corner of Oxford Place and Ditchling Road, stating their interest in occupying the PBSA. However, in order to ensure compliance with this policy, it is recommended that a clause is included within the s106 legal agreement, that the PBSA is only occupied by students of existing universities or other existing education establishments within Brighton & Hove (and by students who are 18 years of age or older, given that no on-site catering or support services are indicated in the submissions).
- 9.32. Criteria 7: PBSA will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites. Although the site was identified to have potential for 20 housing units in previous SHLAAs, the site is not included in the latest SHLAA 2018 update, published in February 2019. In addition, the site is a proposed allocation for PBSA under emerging Policy H3 of the draft City Plan Part Two. The Policy Officer considers that although this policy has

very limited weight at present, it indicates that the Council considers the site to be suitable, in principle, for PBSA development, and therefore justifies an exception to this criteria.

- 9.33. Therefore, subject to the suggested conditions and s106 requirements, it is considered that the proposed PBSA would satisfy the relevant criteria of policy CP21.

The amenity of the future occupiers and neighbouring properties.

Student Amenity

- 9.34. The room sizes are considered to be acceptable and provide the facilities required for the room types. In addition, each cluster room has access to a nearby communal kitchen/dining/lounge area/'cluster flat' (serving up to maximum of 8 cluster rooms). Studio rooms benefit from nearby communal study rooms. The students would also benefit from an on-site gym, lounge, multimedia lounge and visual training area, as well as an external courtyard. The communal facilities are considered to provide a good combination of quiet study and social spaces. The layout also incorporates store rooms which will assist the maintenance and operation of the building.
- 9.35. The Council's open space calculator provided in the SPGBH9 policy pages, calculates that 232 student rooms creates a demand for approx. 11,600 sqm outdoor recreation space as well as indoor sports facilities. Given that the development would provide a substantial indoor gym and a 150sqm external courtyard, the total contribution was reduced. The applicant has agreed to contribute the £232,845.46 requested towards improving nearby recreation facilities, as detailed in the s106 Heads of Terms at the beginning of this report. The proposed development therefore meets the aims and objectives of CPP1 policies CP7, CP16 and CP17.
- 9.36. Officers raised concern during the application in respect of the likely amount of daylight that would be received within the student rooms. In response, a daylight analysis was provided using the BRE average daylight factor (ADF) method, and assessing the rooms likely to receive the least amount of daylight/sunlight, those being the north-facing and courtyard rooms on the first and second floors (61 rooms in total). For dwellings, the BRE standard is minimum 1% for bedrooms, 1.5% for living rooms, and 2% for kitchens. There are no guidelines for student rooms, but it is considered that they should achieve a minimum ADF of 1.5%, given that the rooms are used for studying and not just sleeping. Ideally, studio rooms should achieve 2%, given that students would be expected to spend longer in these rooms which have also have a seating area and kitchen facilities.
- 9.37. Approximately 84% of all the student rooms are likely to achieve ADF levels of at least 2% (assuming that all the rooms not tested achieve at least 2% ADF). Approximately 94% of all the student rooms are likely to achieve ADF levels of at least 1.5% (assuming that all the rooms not tested achieve at least 1.5% ADF). The results confirmed that all 61 rooms assessed would be likely to achieve daylight levels on or in excess of 1.1% ADF (100% of all

student rooms, assuming that all the rooms not tested achieve at least 1.1% ADF).

- 9.38. The 15 rooms that showed ADF levels below 1.5% are located at first floor level, fronting onto the courtyard. Of these, 10 are studios. Although these rooms do not achieve the Council's target standards, the rooms benefit from an attractive outlook onto a planted courtyard and have access to a wide range of communal lounges, study rooms and other facilities closeby that would be likely to receive good levels of daylight, based on their orientation, position and large windows.
- 9.39. The internal daylight/sunlight levels likely to be achieved at the PBSA development are therefore considered to be acceptable in terms of the amenity of the future occupiers.
- 9.40. The student rooms are laid out around a central courtyard, therefore many of the rooms will directly face each other. However, the courtyard measures approx. 13m x 32m which is considered to provide sufficient privacy for student accommodation. There are potential privacy issues caused by the communal courtyard and the closeby first floor courtyard rooms. However, a landscaping buffer is proposed between the courtyard and the student rooms and details of this can be assessed through the landscaping condition.

Neighbour Amenity

- 9.41. There are a number of residential properties surrounding the site, generally in the form of flats above ground floor commercial uses. These were assessed in terms of the potential loss of light, outlook and privacy caused by the proposed development.
- 9.42. The width of London Road is such that the properties on the west side of London Road are approx. 20 metres from the proposed building frontage and would therefore not suffer from loss of light or privacy from the proposed development. The Ditchling Road properties that back onto the site (with Oxford Court car park in between) are approx. 35 metres away, and again would not suffer from loss of light, outlook or privacy due to the distance.
- 9.43. The properties on the north side of Oxford Street would be positioned a minimum of approx. 12.5 metres from the development. Although there would be many more windows at the development facing these properties, Oxford Street is a busy two way public road that provides a frequent bus service, including double decker buses. Therefore it is not considered that there would be a significant loss of privacy to the existing neighbours on the north side of Oxford Street. These residents currently look onto a largely blank brick wall, therefore the proposed development would add interest to the outlook from these properties. In terms of loss of light, the development would comply with a 45 degree line taken from first floor windows of the properties on Oxford Street opposite the site. As such, it is considered that these properties would not suffer from significant loss of privacy, outlook, or daylight/sunlight.

- 9.44. Properties on the south side of Oxford Place would be only 7 metres min. distance from the development. The existing building is three storeys high on this frontage and the proposed development would be approximately 5 metres taller. A 2 or 2.5 storey building would comply with a 45 degree line taken from the centre of first floor windows of the flats opposite. However, both the existing building and the proposed development intrude on the 45 degree line (approx. 55 and 65 degrees respectively). There would therefore be some additional impact on the outlook and daylight to these properties, however the development would be to the north, therefore it is unlikely to result in loss of sunlight to these properties. There would be potential for some loss of privacy to these properties however given that there are 22 existing large windows facing these properties at first and second floor level, it is considered that the loss of privacy is likely to be insignificant.
- 9.45. The Environmental Health Officer recommends the submission of a Noise Management Plan by condition to restrict the use of the external courtyard. This would restrict the hours of use of the courtyard and details of how the courtyard would be supervised. It is considered that the implementation of a satisfactory Noise Management Plan should be sufficient to protect the students and nearby neighbours from noise disturbance.
- 9.46. During the course of the application the plans were amended to address Officer concerns over some of the rooms that were adjoining staircores and the noise disturbance that this could cause. These rooms are now proposed for storage use and this is now acceptable.
- 9.47. As such, it is considered that the proposed development would provide satisfactory amenity levels for the student occupiers and the neighbours, and would comply with saved policies SU10 and QD27 of the Local Plan.

The impact of the development on the highway and the adjacent car park

- 9.48. A summary of the Transport issues is provided in the Consultations section of this report.
- 9.49. The main outstanding issue raised by the Transport Officer is the delivery and servicing arrangements and the potential impact on the local highway network and on the operation of the Oxford Court car park.
- 9.50. The Technical Note confirms that the building will be serviced primarily from Oxford Court, including refuse collections and maintenance vehicles, which is how the existing building is serviced. It also states that details of servicing and deliveries can be secured by condition. Given that the Transport Officer raised specific concerns about the potential impact of deliveries to the student accommodation, the Technical Note advises that they would adopt a Delivery Strategy whereby the on-site facilities management team liaise with key delivery companies to ensure that each company delivers only once a day to a designated location, rather than separate deliveries for each student. The Note and subsequent email correspondence advises that this is a well-used approach and is used by the University of Brighton's Varley Park

student housing development (770 students). The logistics companies collate the deliveries from the various suppliers (eBay, Amazon, ASOS, Wiggle etc) at their dispatch depots and dispatch the deliveries to Varley Park in one vehicle. This is the most efficient and cost effective method for logistics companies delivering to large organisations that have a concierge and post room and can therefore distribute the deliveries on behalf of the delivery companies. This strategy keeps deliveries at Varley Park to 5 to 8 vehicles a day, including Royal Mail deliveries. Given that there would be fewer students at this development (232), this would equate to an estimated 1 to 3 deliveries a day at this site.

- 9.51. The Technical Note and subsequent email correspondence further advises that this approach enables specific delivery instructions to be agreed between the Facilities Manager of the student accommodation and the delivery companies, which, in this case, would include the requirement that all deliveries are made via Oxford Court. The delivery instructions can include delivery times and type and size of delivery vehicle.
- 9.52. The Technical Note acknowledges that not all delivery companies will be aware of the PBSA delivery strategy and therefore some deliveries could be made on Oxford Place, close to the PBSA reception. However, the Note advises that given that the existing entrance to the snooker hall is in the same location as the proposed PBSA reception, it is likely that deliveries were made on Oxford Place when the snooker hall was in operation. There is a 'no stopping' restriction for the first 15 metres of Oxford Place, then double yellow lines, whereby vehicles are allowed to load or unload for a short period of time. The Note advises that were this to take place, it would not result in a severe impact on the safe operation of the highway, given the low traffic flows in Oxford Place, the low frequency of deliveries due the delivery strategy requiring deliveries to be combined and made to Oxford Court, and the speed of the deliveries given the double yellow line loading/unloading restrictions that are in place.
- 9.53. The Transport Officer in response advises that, subject to:
- the provision of tracking drawings that demonstrate that vehicles relating to the development can service and provide deliveries to the development within the boundary of the Oxford Court highway;
 - a suitable highway works scheme, and
 - a comprehensive Delivery Strategy,
- 9.54. The proposed development could be acceptable.
- 9.55. The Technical Note also addresses the Transport Officer's objection to the absence of a Personal Injury Accident analysis. The Transport Officer has responded that the inclusion of the personal injury accident information is supported and that it is agreed that this does not indicate any issues within the immediate vicinity of the site.
- 9.56. The Transport Officer also raised concerns about the lack of accessible parking for the retail component of the site. However, it should be taken into

account that there is no existing accessible parking for the retail component, and that a net reduction of retail floorspace is proposed. In addition, it should be taken into account that the Council has (at the Policy and Resources Committee of 11th October 2018) agreed to the sale of the Oxford Court car park, and therefore the Transport Officer's recommendation to provide accessible car parking within this car park may not be implementable. Further, that the Property & Development Officer (representing the Council as owner of the car park) has commented that they would object to the requirement for the development to provide additional parking spaces within the car park.

- 9.57. Although the cycle parking proposals are broadly acceptable to the Transport Officer, some minor changes may be required to: the PBSA cycle store to ensure sufficient aisle widths between racks, the provision of parking facilities for non-standard cycles, power-assisted doors; the London Road Sheffield stands to seek a more appropriate location for them to avoid obstructing the bus stop and footway, and demonstrate safe and secure cycle parking provision within the building for the retail staff. It is considered that this can be secured through a condition.

Air Quality

- 9.58. The site lies within an Air Quality Management Area (AQMA) where air quality is poor, therefore air quality needed to be properly addressed in this application. Following feedback from the pre-application process, the existing overhang onto London Road has been removed, setting back the frontage from London Road. The Air Quality Officer welcomes this as it would allow better dispersion of air pollutants from London Road and could potentially improve local air quality. The air quality assessment submitted with the application assesses the likely impact of the development's traffic generation and CHP plant on the AQMA. It predicts that the development's contribution to long and short term air quality will be negligible. The Air Quality Officer concurs with this conclusion, provided that a number of conditions are attached to a consent, securing appropriate mitigation measures:

- Ground and first floor windows to be hermetically sealed and details to be submitted for ventilation of first floor and include high level air intake.
- CHP plant to not exceed output of 50kw or NO_x emission rate of <40 mg/ kWh.
- All boiler flues shall have vertical termination above roof.

- 9.59. CEMP requirements:

- HGVs used for demolition and construction of the development shall be minimum euro-VI emission standard.
- The developer shall comply with Stage IIIB of EU directive 97/68/EC for NO_x emissions limits from Non-Road Mobile Machinery NRMM in accordance with DfT guidance, Improving Air Quality Reducing Emissions from NRMM.
- If plugged in places cannot be provided, battery energy or ultralow sulphur diesel shall be used for all static generators required during construction

- Red diesel shall not be used for NRMM and static generators working on the site in the urban AQMA in accordance with the government's proposals set out in the 2019 national air quality strategy.

Other Considerations:

Student Age Limit

- 9.60. Although the potential occupiers, Kings Education students, range in age from 14 to 19, there are no on-site catering services or indication of how the students would be cared for at this development. As such, it is considered that the PBSA would not be suitable for under 18s, who are classified as children in England. The Kings Education website indicates that the younger students are generally housed with local families, and some under 18s can be accommodated at the site on Ditchling Road/Oxford Place, where there is on-site catering and staff supervision. Therefore restricting the age of occupiers to 18 years or older is not likely to prevent Kings Education students from occupying the PBSA. Furthermore, the applicant has agreed to the addition of a clause in the s106, preventing under 18s from occupying this PBSA, which is set out in the s106 Heads of Terms.

Sustainability

- 9.61. Policy DA4 requires development to incorporate infrastructure to support low and zero carbon decentralised energy. The Local Plan and City Plan Part One (CPP1) seek the use of renewables, and CPP1 policy CP8 Sustainable Buildings should be considered in any redevelopment proposal.
- 9.62. The sustainability officer is supportive of the proposed development, in summary:
- The proposals indicate that the development will meet BREEAM Excellent, which would comply with the policy CP8 requirement for major non-residential development. This can be secured by condition.
- 9.63. At present, the development is proposing an air source heat pump (size not confirmed) and a 112kWp solar panel array. Both of these LZC technologies are welcomed.
- 9.64. The primary heating solution is for communal gas-fired boilers, to be housed in two plant rooms totalling a substantial (300sqm). Details of connection of the plant rooms to a future district heat network in the area should be secured by condition.

Biodiversity

- 9.65. There is little or no vegetation at the site currently, however the proposed development represents an opportunity to increase biodiversity and provide ecological enhancement. The RSPB provided comments on the application, advising of the decline of the local swift population, and seeking the inclusion of 6 to 8no. swift nest bricks within the development. This was drawn to the attention of the applicant, who has agreed to the inclusion of swift nest bricks within the development via a condition on a consent.

9.66. The applicant has also agreed to scope the inclusion of a sedum grass roof on the first floor, should this be feasible at this site.

Access

9.67. The site benefits from being in close proximity to a wide range of public transport services and fronts onto a main bus corridor with direct links to the city centre. Due to the proposed loss of the building overhang which performs a role as a bus shelter, the applicant has agreed to provide a new bus shelter on London Road through a s278 agreement (see Heads of Terms at start of this report). Secure, covered cycle storage is provided for the PBSA with access from Oxford Place. Additional visitor Sheffield cycle stands are proposed on the London Road pavement.

9.68. The main entrances to the development relate to the surrounding context and are clearly identified in the building design. The PBSA reception desk is in full view of the entrance doors and is adjacent to the main lift core, which provides ease of access to the first floor and staff can provide assistance as required. Access to the main entrance and reception via London Road is step free. Entrance thresholds to all stair cores are also designed as level access.

9.69. Lift access provides level access to all floors of the building and all lifts will comply with Part M with suitable dimensions and facilities to accommodate all disabilities. There are step free routes at each level. Internal escape routes are designed so they are suitable for independent escape, and a fire fighting lift is provided for the safe evacuation of disabled persons. A full Fire Strategy and plan will be prepared by a specialist consultant, and the following will be considered;

- An escape procedure that includes the best practice in respect of evacuating disabled people.
- Management strategy to include training of staff to assist in the safe evacuation of disabled people.
- Safe areas of refuge to be provided at all levels accessible by wheelchair users, with communication facilities to enable contact with the fire controlling authority to BS9991.

9.70. Social areas and commercial units will be designed to be fully compliant with Approved Document Part M. The first floor PBSA social space comprising open plan lounge, Multimedia Lounge, Gym and Visual Training area is intended to be accessible to all.

9.71. The approach to the site is generally flat, with gradients that for the most part are shallower than the 1:20 classification for ramps. The main PBSA reception is intended to be Part M compliant and includes manifestation to glazed screens and doors; entrance doors with minimum clear opening of 1 metre; out of hours' intercom to be at wheelchair height; external and internal lighting will offer transition will similar lighting levels designed; internal finishes to avoid highly reflective surfaces and provide appropriate slip resistance.

10. CONCLUSION

- 10.1. The redevelopment of the site is supported in principle as it would help to regenerate this part of the London Road shopping centre through removal of a building that visually has a negative impact on the townscape and it represents an opportunity to make a more efficient use of the site and provide a building that contributes positively to the street scene. The proposed building would enliven the shopping frontages on Oxford Street and Oxford Place by introducing significantly more glazing and additional entrances and active uses. The development would therefore be likely to enhance the vitality and viability of the Prime Retail Frontage and would provide economic benefits in accordance with Local Plan policy SR5 and CPP1 policies.
- 10.2. The proposed removal of the London Road overhang would improve the pedestrian environment and help dissipate air pollution which is a problem in this area. This is therefore welcomed although it is disappointing that the building is not also set back from Oxford Street to widen the narrow pavement on this important link between London Road and The Level open space. However, the applicant has agreed to make this pavement 'accessible' through the s278 agreement. The applicant has also agreed to widen the pavement in Oxford Place through the s278 agreement to provide suitable access to the cycle store, and to provide a new bus shelter on London Road to compensate for the loss of the overhang which currently acts as a bus shelter. The applicant has also agreed to provide public art within the vicinity of the site to a value of £72,000 through the s106 agreement. Overall it is considered that the proposed development would help to meet the urban realm objectives of policy DA4 and the London Road Central Masterplan SPD10.
- 10.3. The proposed building is a much more coherent design than the existing building and would strengthen the street scene, and in particular it would improve the end vista of the view west from Ann Street and the Grade 1 Listed St Bartholomew's Church. The Heritage Officer raises concern over the impact on the view of the listed BGH Arundel Building, which would be obscured from view in Ann Street. There would also be some impact on views of St Bart's Church from the Conservation Area and Oxford Street, and the Heritage Officer is disappointed that the building does not step down in height westwards along Oxford Street to avoid an abrupt change in height from the surrounding buildings.
- 10.4. Overall, the proposed building is considered to be a positive addition to the street scene and the Heritage Officer considers that the harm identified to nearby heritage assets would be less than substantial.
- 10.5. The loss of the D2 snooker hall community use has been mitigated to an extent by the inclusion of a dedicated community room on the ground floor Oxford Place frontage. Whilst an end user has not yet been secured, the Local Action Team and local councillors have been consulted which has

revealed that there may be demand for ad hoc community uses such as events and parties.

- 10.6. The proposed Purpose Built Student Accommodation (PBSA) has been tested against the seven criteria within policy CP21 of CPP1, and it is concluded that, subject to the inclusion of the recommended conditions and s106 obligations, the development would satisfy these criteria. The student accommodation would help to reduce pressure on the existing housing stock and the development site is considered to be a suitable location for PBSA.
- 10.7. The amenity of the PBSA is considered to be acceptable, with the vast majority of student rooms meeting the BRE daylight (ADF) standards for living rooms and kitchens (1.5% and 2% respectively), and all the rooms meeting the BRE daylight (ADF) standards for bedrooms (1%). There is also a generous amount of social space and study space within the building, as well as an external courtyard. The additional demand/impact on local open space and recreation that would be generated by the PBSA would be mitigated by the applicant's agreement to contribute £232,845.46 towards improvements to local recreation facilities. Students would be protected from noise disturbance and loss of privacy from other students using the external courtyard, through a Noise Management Plan for the PBSA and through a landscaping condition requiring plant screening to the nearest student rooms.
- 10.8. The amenity of neighbouring properties is considered to be sufficiently protected from potential noise disturbance due to the distance of the external courtyard from the nearest neighbours and by the Noise Management Plan to be secured by condition. Due to the distance of the surrounding properties from the site, and taking into account the impact of the existing building and the busy urban environment, they are unlikely to suffer from significant loss of outlook, daylight or privacy as a result of the proposed development.
- 10.9. The transport officer's initial objections to the lack of personal injury accident analysis and to the potential highway impact of deliveries to the PBSA, have been largely addressed through additional application submissions, including a proposed Delivery Strategy that would include consolidating personal deliveries to the student accommodation and agreeing delivery instructions such as type and size of vehicle and drop off location. The transport officer agrees that subject to the provision of acceptable tracking drawings of deliveries and servicing in Oxford Court, the concerns previously raised have been addressed or can be addressed through the recommended s106 requirements and conditions. A further update from the transport officer is anticipated to be provided either through the Late List or verbally reported at Committee.
- 10.10. The air quality officer supports the proposed development, subject to a number of conditions and s106 obligations.
- 10.11. The sustainability officer supports the proposed development in that it is targeting BREEAM Excellent, which is to be secured by condition, and

recommends details of potential connection to a future district heat network is provided by condition.

- 10.12. The proposed development is intended to comply with Part M access standards and level access is proposed to the retail units and to the PBSA reception and throughout the building. A condition is recommended to require the doors to the cycle store to be power-assisted and for non-standard cycle stands including those for disabled users to be provided.
- 10.13. Taking into account all the matters raised during the application and the development plan policies and objectives, it is considered that the application should be supported.

11. EQUALITIES

- 11.1. Access issues are considered in the report.
- 11.2. **In the event that the S106 agreement has not been signed by all parties,** the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
 3. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.
 4. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
 5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space contrary to policies CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.