

<u>No:</u>	BH2022/01490	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Enterprise Point And 16-18 Melbourne Street Brighton BN2 3LH		
<u>Proposal:</u>	Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm co-working business floor space).		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	16.05.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.08.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	02.11.2022
<u>Agent:</u>	Third Revolution Projects Road London SE1 7FR	Build Studios	203 Westminster Bridge
<u>Applicant:</u>	Kosy Co Living EP Limited And Cross Stone Securities Limited 86-90 Paul Street London EC2A 4NE		

1. RECOMMENDATION

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 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **8th July 2023** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 14.1 of this report:

Section 106 Head of Terms:

Affordable Housing:

£2.5m commuted sum in lieu of homes on site.

Travel Plan:

A Travel Plan covering a minimum 5 year period. To promote safe, active and sustainable travel choices by its future occupiers and visitors.

BTN bikeshare docking station:

The cost of one BTN bikeshare docking station, with 10 bicycles.

Public Art:

The Developer covenants with the Council to commission and install on the Property an Artistic Component to the value of £51,170 including installation costs prior to first occupation of the development

Employment and Training

- Submission of developer contributions of £27,800 (TBC) to be submitted prior to site commencement.
- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

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	2203-P-100	A	16 November 2022
Proposed Drawing	2203-P-150	B	21 December 2022
Proposed Drawing	2203-P-221	E	8 February 2023
Proposed Drawing	2203-P-201	D	13 January 2023
Proposed Drawing	2203-P-211	E	8 February 2023
Proposed Drawing	2203-P-231	E	8 February 2023
Proposed Drawing	2203-P-241	E	8 February 2023
Proposed Drawing	2203-P-251	E	8 February 2023
Proposed Drawing	2203-P-261	E	8 February 2023
Proposed Drawing	2203-P-271	D	8 February 2023
Proposed Drawing	2203-P-281	B	21 December 2022
Proposed Drawing	2203-P-301	B	21 December 2022
Proposed Drawing	2203-P-302	B	21 December 2022
Proposed Drawing	2203-P-303	C	21 December 2022
Proposed Drawing	2203-P-304	C	13 January 2023
Proposed Drawing	2203-P-305	B	21 December 2022
Proposed Drawing	2203-P-306	B	21 December 2022
Proposed Drawing	2203-P-307	C	13 January 2023
Proposed Drawing	2203-P-308	B	21 December 2022
Proposed Drawing	2203-P-601	A	16 November 2022
Proposed Drawing	2203-P-602	A	16 November 2022
Proposed Drawing	2203-P-603	A	16 November 2022
Proposed Drawing	2203-P-604	A	16 November 2022
Proposed Drawing	2203-P-611	A	16 November 2022
Proposed Drawing	2203-P-612	A	16 November 2022
Proposed Drawing	2203-P-613	A	16 November 2022
Proposed Drawing	2203-P-651	A	16 November 2022
Proposed Drawing	2203-P-213	A	13 January 2023

Proposed Drawing	2203-P-171		13 January 2023
Proposed Drawing	2203-P-172		13 January 2023
Proposed Drawing	2203-P-173		13 January 2023
Proposed Drawing	2203-P-174		13 January 2023
Proposed Drawing	2203-P-321		21 December 2022

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. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

4. No development, including demolition, shall take place until a Demolition 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 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 joining the considerate constructors 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

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, 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, shall take place until a Construction Environmental

Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (vii) The phases of the Proposed Development including the forecasted completion date(s)
- (viii) 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 joining the considerate constructors scheme)
- (ix) 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
- (x) Details of hours of construction including all associated vehicular movements
- (xi) Details of the construction compound
- (xii) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, 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 the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees to the north of the rear site boundary, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policy DM22 of Brighton & Hove City Plan Part 2 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites

7. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for protection of Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site has been submitted to and approved in writing by the Local Planning Authority. The content of the Method Statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
(including, where relevant, type and source of materials to be used);

- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in strict accordance with the approved details and shall be retained and maintained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse

impacts during construction in accordance with Policy CP10 of the City Plan Part One.

- 8. (i). 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 industry best practice guidance such as BS 10175:2011+A2:2017 - Investigation of Potentially Contaminated Sites - Code of Practice and BS 5930 Code of Practice for Ground Investigations;
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+A2:2017;
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.
- (ii). 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

suitable for use.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM40 and DM41 of City Plan Part 2.

9. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reasons: This condition is requested due to the historical uses of the site and the nearby Source Protection Zone, that could be placed at risk by mobilised contamination, and to also ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

10. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan, policy DM20 of City Plan Part Two, and CP12 of the Brighton and 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 a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

12. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including provision of 4 bat boxes and landscape planting of high wildlife value has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

a) purpose and conservation objectives for the proposed works;

- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

13. No development shall take place (including any demolition, ground works, site clearance) until a method statement for protected species (bats, breeding birds, dormice, badgers, reptiles and hedgehog), invasive species such as buddleia (where required) and protection of Woodvale, Extramural and Downs Cemeteries Local Wildlife Site has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017.

14. Prior to the commencement of development (excluding demolition) a Sustainable Drainage Plan including detailed design and associated management and

maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Outline Drainage Strategy, dated May 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage Plan shall include the following:

- (i) Details of the location of the existing drainage infrastructure.
- (ii) Details and location of the final drainage infrastructure as proposed in the Outline Drainage Strategy.
- (iii) Suitable assessment and management of flood risk from groundwater and surface water runoff given the proposed basement.
- (iv) Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations
- (v) The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- (vi) A management and maintenance plan for the final drainage design for the proposed development, which includes the orifice plates. The approved Sustainable Drainage Plan shall be implemented and maintained in accordance with the approved detailed design.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance Policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

15. Notwithstanding the plans hereby submitted, the development shall not commence until the Local Planning Authority, in consultation with the Local Highway Authority, have approved a full scheme of highway works for improvements to Melbourne Street that -

- Improve the northern footway to and in the vicinity of the development by -
- removing the redundant vehicle crossovers and reinstates these as raised footway;
- widening the adopted footway (if necessary, through dedication of additional land as adopted highway) so that its unobstructed clear width after street furniture and other potential obstructions is either: (A) $\geq 1.8\text{m}$ wide; or (B) $\geq 1.5\text{m}$ wide but with regular $\geq 1.8\text{m}$ wide passing areas of a minimum 2m length including but not limited to in front of doors and entrances;
- Resurface and improve the footway; and
- To provide an on-street inset loading bay on Melbourne Street in front of the Phase 2 development site.

The occupation of the development shall not occur until those works have been completed in accordance with the Local Planning Authorities approval in consultation with the Local Highway Authority.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

16. Notwithstanding any details shown on the approved plans, 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/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details 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 DM18, DM26, and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.
17. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- An energy statement demonstrating how the development will meet the requirements of the Future Homes Standard and Future Buildings Standard, as appropriate for the different elements of the development;
 - Overheating risk assessment
- Development shall be carried out in strict accordance with the approved details.
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.
18. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the Air Source Heat Pumps (ASHP) have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the technology, distribution systems and location(s) of water storage. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.
Reason: To ensure that the development contributes to sustainability enhancement on the site and in accordance with policy CP8 of the Brighton & Hove City Plan Part One.
19. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the of the green roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and

a maintenance and irrigation programme. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in the interests of sustainability, in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

20. No development (including demolition) shall take place until a survey report and a method statement has been submitted to and approved in writing by the Local Planning Authority, setting out how the existing flint boundary wall on the northern boundary of the site is to be protected, maintained, repaired and stabilised during and after demolition and construction works. The report shall include details of any temporary support and structural strengthening or underpinning works required. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP15 of the Brighton & Hove City Plan Part One.

21. (a) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(b) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under (a).
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

22. No development, including demolition and excavation, shall commence until a whole-life carbon assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policy CP8 of the Brighton & Hove City Plan Part One, as well as SPD17.

23. The development hereby permitted shall not be occupied until details have been submitted in writing to the Local Planning Authority for approval of identified designated outdoor smoking areas and associated external cigarette bins at entrances and exits of the building hereby approved.

Reason: In the interests of residential amenity and the visual amenity of the area and to comply with DM20 and DM40 of Brighton & Hove City Plan Part 2 and policy CP13 of the Brighton and Hove City Plan Part One.

24. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will be scheduled, how move-in/move-out will be scheduled and management, where deliveries and move-in/move-out will take place and otherwise be managed, dwell times for deliveries and move-in/move-out activity, how deliveries servicing and refuse collection will take place, and the frequency of all those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. 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 polices DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.

25. Notwithstanding plans hereby submitted, and prior to occupation of the development, details of secure and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority.

This should include:

- a) A detail of the secure access provisions proposed;
- b) Proposed cycle parking stores which are accessible from the proposed pedestrian/cycle only courtyard space and do not encourage potential conflict with motor vehicles;
- c) The layout of SPD 14 policy compliant long-stay cycle parking provisions, including dimensions of the cycle parking store including aisle widths and vertical clearance (demonstrating 2.6m can be achieved where two-tier stands are proposed);
- d) Long-stay cycle parking types including 20% Sheffield stand provision and 5% enlarged Sheffield stand provision;
- e) A mobility hub/cycle parking store to provide long-stay cycle parking, and provisions for electric charging provision for scooters/e-bikes; and
- f) SPD 14 policy compliant short-stay cycle parking (i.e., Sheffield stands) should be provided in the public realm within the curtilage of the proposed development site; and
- g) the proposed location for the BTN Bikeshare hub and bikes (10 bikes) within the on-site courtyard area.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply

with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

26. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments (including details all external doors and gates) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times. Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM21, DM21, DM27 of Brighton & Hove City Plan Part 2, and CP12, CP15, CP13 of the Brighton & Hove City Plan Part One.
27. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures. Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.
28. The development hereby permitted shall not be occupied until an Installation Plan detailing the type, number, location and timescale for implementation of the swift bricks has been submitted to and approved in writing by the Local Planning Authority. Advice from a Suitably Qualified Ecologist (SQE) should be sought when designing the Installation Plan and they should provide on-site supervision including 'Tool-Box-Talks' where appropriate, to ensure swift bricks are installed correctly. The SQE must submit evidence of the completed installation to the Local Planning Authority prior to first occupation of the development. Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Supplementary Planning Document SPD11 Nature Conservation and Development and Special Guidance A: Swift Boxes and Bricks for New Developments
29. Prior to occupation, a "lighting design strategy for biodiversity" or shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and/or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2.

30. The development hereby approved shall not be first occupied until details of the photovoltaic array shown on the approved roof plan (drawing no. 2203-P-281 RevB) has been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation and thereafter retained.

Reason: In the interests of visual amenity and 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

31. 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 landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

A) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;

b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and 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;

c) details of all boundary treatments to include type, position, design, 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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

32. The development hereby permitted shall not be first occupied until
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors,

hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

- ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

- 33. The development hereby permitted shall not be first occupied until full details of roof plant and machinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 34. The development hereby permitted shall not be first occupied until full details of privacy screens on the boundaries of the balconies hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The screens shall be installed prior to occupation of the development and thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

- 35. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards

- 36. The development hereby approved shall not first occupied until a Building Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:

- i) Details of the numbers and nature of staff to be on site including 24 hour security arrangements.

- ii) Location and permitted use by residents, business users and community users of outside amenity areas including building entrances and access, hours of use and management of outside amenity areas.

iii) Details of community liaison arrangements including contacts and complaints procedures.

iv) Details of arrangements for arrivals and departures of residents.

v) Details of management and access to indoor communal facilities including to community and gym facilities.

The agreed Building Management Plan shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton and Hove City Plan Part One.

37. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential 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.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.

39. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. To ensure that the proposed intrusive works does not harm groundwater resources in line with paragraph 174 of the NPPF and Position Statement A3 of the 'The Environment Agency's approach to groundwater protection'.

40. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: The previous use of the proposed development site as presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. Notwithstanding that infiltration SuDs are not recommended by the drainage strategy (Redevelopment of Enterprise Point, Brighton, Drainage Strategy, Waterman, April 2022 Doc No. WIE18565-100-R-1-8-3-DS), the condition is necessary in the event that priorities change within the development.

41. 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 (or the relevant updated Standard). 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 DM20 and DM40 of Brighton & Hove City Plan Part 2.
42. Further supplementary ecological surveys for bats shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the ecological design strategy under condition 9. The supplementary surveys shall be on an appropriate type for the above species and survey methods shall follow national good practice guidelines.
Reason: As species are mobile, it is important that surveys reflect the situation at the time of any given impact occurring to ensure adequate mitigation and compensation can be put in place, and to ensure no offences are committed.
43. The floors/walls/stairs between the commercial/communal areas and the residential uses shall be designed to achieve a sound insulation value of at least 5dB better than Approved Document E performance standard.
Reason: To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
44. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of

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

45. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
46. The wheelchair 'accessible' studio rooms hereby permitted as detailed on approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted 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. Evidence of compliance shall be notified to the Building Control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the Building Control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
47. No tree shown to be retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority. 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.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
48. At least one bee brick shall be incorporated within the external wall of each building of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

49. 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 DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.
50. The non-residential part of the premises hereby permitted as shown on the Proposed Ground Floor Plan 2203-P-201-D shall be used as an office (Use Class E(g) (i) and (ii)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). 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 supply of office floorspace in the city given the identified shortage, to comply with policies CP2 and CP3 and DA3 of Brighton & Hove City Plan Part One.
51. The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended) nor as sui generis class student accommodation by occupiers who are in any form of full time education or study.
Reason: In order that the development complies with policy CP3.4 of the Brighton and Hove City Plan Part One which allocates the site for mixed employment and residential use and contributes towards the delivery of homes and employment space in the city.
52. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two
53. The access to and use of the podium gardens hereby permitted shall be for co-living residents only.
Reason: To ensure residents have sufficient access to external communal spaces to supplement the smaller private living arrangements, to ensure that the amenity

spaces do not become too highly pressured, and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

54. Provision within the development hereby approved shall be made to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection.
Reason: To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6 and CP8 of the Brighton & Hove City Plan Part One and DM46 of the Brighton & Hove City Plan Part Two.

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. National Highways recommend that the Construction Environmental Management Plan seeks to avoid construction traffic using the Strategic Road Network (SRN) during the network peak hours of 08:00-09:00 and 17:00-18:00 and ensures that any loose loads on vehicles using the SRN are adequately sheeted. Notwithstanding this, the Council Environmental Health Team will need to consider the potential noise and disturbance impact of early morning deliveries as part of the CEMP
3. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to Developer.Services@southernwater.co.uk
4. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
5. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
6. Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where

possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.

7. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
8. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>
9. The applicant is advised that they must apply for a license for the proposed door(s) and/or gate(s) that open over the public highway under Section 153 of the Highways Act 1980. Please contact the Council's Highway Enforcement Team for further information (street.licensing@brighton-hove.gov.uk 01273 292090).
10. In order to be in line with Policy DM33 of the Brighton & Hove City Plan Part Two cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'
11. You are advised that details of the development will be passed to B&HCC as Local Highway Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
12. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People and BS8300:2001.26. A combination of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.

13. The applicant is advised of the recent change in Part S of the Building Regulations, which came into effect on 15 June 2022, and requires, “Where one or more dwellings with associated parking result from a building, or a part of a building, undergoing a material change of use at least one associated parking space for the use of each such dwelling must have access to an electric vehicle charge point.” The applicant is advised that applications for a building notice or initial notice received before 15 June 2022, will still be considered under the previous Building Regulations, provided building work begins before 15 June 2023. If the applicant has obtained Building Regulations approval under the old regulations, the applicant must begin work on the development/application site by 15 June 2023, or the new regulations will apply.
14. The applicant is advised that the Melbourne Street works will require them to enter into a s278 agreement with the council as Highway Authority and to complete associated technical approval steps, which may include public consultation (amongst other things). They should contact s278@brighton-hove.gov.uk at their earliest convenience. The applicant is advised that for street design guidance they should at least refer to the Department for Transport’s Manual for Streets documents and the Department for Transport’s Inclusive Mobility document. Where changes occur, the design is to include footway, carriageway, landscaping, street lighting and surface water drainage designs, construction methods and materials, dimensions, gradients, levels, radiuses, alignment (horizontal and vertical), general arrangement and vehicle swept path analysis drawings for a standard size fire engine, large ambulance and standard size waste disposal vehicle. The construction shall be carried out in accordance with the approved Section 278 (of the Highways Act 1980) Agreement. The applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the adopted (public) highway. An assigned officer telephone number will be supplied in the e-mail response to provide a point of contact regarding the submission and Section 278 (of the Highways Act 1980) Agreement.
15. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
16. The water efficiency standard required by condition is the ‘optional requirement’ detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the ‘fittings approach’ where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

17. 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).
18. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1 The site comprises the main building of Enterprise Point which is a part five-, part six-storey L-shaped 1950's style industrial building with roof plant above. Until this was built the site had been largely undeveloped, having been historically used as an earthworks in conjunction with the now-defunct railway viaduct.
- 2.2 The front of the building is set back 18.5 - 20m from Melbourne Street, with the five-storey southern wing beyond this. The site slopes downwards from rear to front (west) by over 7 metres and so due to the topography the two wings of the current building have a flat roof at the same height. The existing building has a gross internal floorspace of 5,459.2 sqm. The second building on the site was 16-18 Melbourne Street (now demolished), with a two-storey industrial unit in the north-west corner of the application site.
- 2.3 The site is flanked on the east boundary by the rear of a terrace of residential properties on Shanklin Road. To the south is a primary school and on the north boundary the access road to Woodvale Crematorium. The north boundary is heavily screened by a large belt of mature deciduous trees on the crematorium land owned by the city council. On the north-east boundary of the site is a 4-storey former industrial building converted to 20 flats which has its west elevation on the boundary of the application site with windows facing (west) directly onto the existing current car park of Enterprise Point.
- 2.4 The character of area is mixed, having historically been an area of generally small scale housing and employment uses as well as St Martin's Primary School, built around a narrow street. Opposite the site on Melbourne Street is a part seven-, part four-storey contemporary block of 31 flats known as Viaduct Lofts. To the south are small terraces of two storey houses also on Melbourne Street. To the west of the site on Melbourne Street are a row of low rise industrial buildings in use as workshops and vehicle repairs. This site has a planning permission (approved under application BH2019/01820) for a new development of 4 and 6 storeys (plus basement level) for co-working business floor space (B1) and 83no co-living residential units (Sui Generis), including gym/community space (80m²) and ancillary café.
- 2.5 The Round Hill Conservation Area is prominently located further to the west of the site on the western side of Upper Lewes Road. The Valley Gardens Conservation Area lies further to the south-west of the site, approximately 450m away. The adjoining Woodvale Crematorium to the northern boundary is Grade II listed on the Register of Parks and Gardens of Special Historic Interest in England, and

also contains listed buildings and structures. There are further listed buildings in the Locally Listed City Cemetery to the north of the site.

- 2.6 The adjoining Woodvale Crematorium is also designated as a Site of Nature Conservation Interest SNCI/Local Wildlife site.

3. RELEVANT HISTORY

BH2021/03899 Demolition of existing single storey building - Prior Approval Not Required 25/11/2021

BH2021/02825 Prior approval for change of use of part ground floor from office (B1) to residential (C3) to form 2no dwellings - Prior Approval Required Refused 23/09/2021

BH2021/02826 Prior approval for change of use of second floor from office (B1) to residential (C3) to form 17no dwellings - Prior Approval Required Refused 24/09/2021

BH2021/00726 Replacement of existing telecommunications installation to include 6no new panel antennas measuring 2.1m in length at 22.5m, removal and replacement of 6no panel antennas at 22.5m together with ancillary equipment - Prior Approval Required Approved 22/04/2021

BH2018/02751 Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works (Amended plans). - Refused 25 April 2019.

BH2013/01575 Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the south wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units - Granted - 15 August 2014 (Expired consent).

19-24 Melbourne Street

BH2019/01820 Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m² of co-working business floor space (B1) including gym/community space (80m²) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical

sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage) - Approved 18/09/2020

Viaduct Lofts, Melbourne St

BH2009/00655 Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear - Refused 08/07/09 (Appeal allowed 18/08/10)

123C Lewes Road

Demolition of the existing building and erection of 5 storey building, comprising a cafe (E) at ground floor and provision of co-living studio flats (sui generis) with residents rooftop terrace, ancillary cycle parking, bin stores and associated works to the public realm. (For information: proposed building includes 51 co-living studio flats with communal living space on each floor) - Under Consideration

4. APPLICATION DESCRIPTION

- 4.1 This application seeks permission for the demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street.

The details of the accommodation within the development are as follows:

- 269 co-living studio flats;
 - Coworking areas (410 co-working desks, reception, kitchenette, bathrooms, meeting rooms, cinema room, WCs and printers): 941 m² of individual rooms with a bathroom and kitchenette area;
 - larger shared living, cooking and dining spaces;
 - Ground and first floor level outdoor shared amenity spaces;
 - On-site gym, laundry room, and bicycle stores.
- 4.2 The proposal (indicated as 'Phase 2') would be integrated with the permitted scheme at 19-24 Melbourne Street ('Phase 1') and a proposal for the Machine Mart site to the west facing Lewes Road, which is subject to a separate application also currently under consideration (application BH2022/01489).
- 4.3 Outline permission BH2013/01575 was granted in 2014 for the comprehensive redevelopment of the application site for a development providing 73 residential units and 1030sqm B1 office floorspace. This consent has now expired.
- 4.4 A subsequent application for the development of the site for a predominantly purpose-built student housing scheme (BH2018/02751) was refused in April 2019.

4.5 Following receipt of consultation comments, the applicant submitted amendments to the scheme as follows:

- Part removal of 8th storey in the corner of Block A fronting Melbourne Street on both west and south wings.
- No. of units has been reduced from 278 to 269.
- Further set back of Block A building from Melbourne Street by 0.3m, and introduction of a mansard roofline
- Mansards also added with slight inset to blocks on east side of site facing Shanklin Road.
- Entrance into the courtyard has been moved slightly further north to align better with Melbourne Street
- Features from consented Phase I development added to elevations including extended arched motif, windows on rooftop level studios incorporate arched silhouettes, louvre panel infills at the top, vertically expressed inset brickwork features between windows and arches and at building corners, light brown multi stock brickwork, off-white brickwork used in soldier courses and inset areas, window panels with louvre vents, metal panels and rainscreen cladding, stone arches, and balusters of balconies.
- Increased distanced gap between southern buildings and site boundary to school.
- Balconies have been added to some units facing within the site onto the central amenity space.
- Obscured glazing to the lower portion of Block A windows fronting Melbourne Street and the upper stories of Blocks B, C and D overlooking Shanklin Road.
- Angled windows on the upper two floors facing Shanklin Road
- Visual interest added to east elevations
- Repositioned communal spaces to allow dual aspect spaces
- Amended ground floor with additional external cycle stands and windows overlooking the undercroft.

The following additional information was provided during the application:

- Sustainability and Energy Statement
- Bat Survey Report and Preliminary Tree Roost Assessment
- Additional daylight/sunlight analysis in response to BRE review
- Response documents following consultation comments to Local Highway Authority, Health and Safety Executive and Urban Design
- Affordability Statement
- Response to Community Comments

Pre-application Feedback December 2020:

- The principle of an integrated scheme with 19-24 Melbourne Street was supported as it may facilitate a better overall design and more effective use of the sites.

Pre-application Feedback September 2021:

- The loss of employment floorspace on the site requires further justification and an Economic Assessment should be produced to support any planning application.

Consideration should be given to the inclusion of some larger C3 units, preferably in the form of affordable housing.

- The overall scale of the proposals was generally considered to be acceptable and are not considered to be out of keeping with the surrounding area.
- Concerns were raised regarding potential detrimental impact on the residential amenities of properties on Shanklin Road to the east and Viaduct Lofts to the west.

Design Review Panel Response - February 2022

Conclusions included the following:

- Ensure the adaptability of new buildings
- Reconsider the ground floor and the relationship between the entrance, car movement and parking to relocate car movement to the northwest corner
- Produce a landscape strategy creating different types of places

5. REPRESENTATIONS

Original Consultation:

Councillors David Gibson and Steph Powell object to the application. A copy of their objection is attached to the report.

Eighty-four (84) individual letters of representation have been received objecting to the proposed development for the following reasons:

Principle:

- Unclear on demand for co-living
- Permanent housing for families needed- Inappropriate Height of Development
- 'Co-living' is nothing more than student halls of residence
- Will not be affordable
- Loss of existing uses including charities, artists and musicians
- Poor local consultation
- Not in keeping with the current needs of the community or local area

Overdevelopment:

- Local area can still not cope with this additional footfall
- Boxed sized studio flats with no self-contained cooking/living spaces
- Vast development being shoe-horned into a tiny area
- Needs to be some of green space in front
- This building is far too tall
- High rise buildings pose a significant fire risk
- Sole purpose is to maximise rental density
- Cynical idea of cramming as many people into tiny spaces as possible
- Too small and cramped for the area and would be unaffordable for those currently living there.
- Detrimental to the local wildlife and the trees already in the area

- The wildlife (including badgers, foxes and hedgehogs) and the range of birds will diminish

Poor design:

- Unimaginative square blocks
- Out of character with the area
- The green space created will not be easily visible or accessible to residents
- Takes up the entire plot of land by building right up to the legal boundary
- Significantly larger and closer to neighbouring properties than Enterprise Point.
- Building is far too close to the boundary of the property
- Will make the small narrow street dark
- Will create a wind tunnel
- Lack of creation of public space

Residential Amenity:

- Overshadowing, loss of light and loss of privacy to Shanklin road, Melbourne street and viaduct lofts
- Overlooking properties on Bembridge Street
- Loss of light and sunshine
- Block light and views and the sight of trees from many residents
- Would overlook the school and the cemetery
- No longer have any sunshine in flat or garden on Shanklin road
- Extra pollution
- No privacy for Viaduct Loft balconies
- Local services are already stretched
- Additional pressure on waste collection, local GPs and NHS dentists
- Possible implications to the foundations to the adjacent Shanklin Road properties

Noise:

- Hundreds of tenants will share a roof terrace social space
- Extra traffic and vast number of residents will be disruptive and noisy
- Loud events and parties with people coming and going all hours of the day and night
- New roof terrace at about the same height as the top flats of Shanklin Road and Bembridge Street.

Traffic or Highways:

- The density is too high for parking proposed
- Small one-way street
- Would result in parking on nearby roads
- The extra traffic may cause more accidents
- The amount of delivery drivers will increase
- Already stretched parking in the area will be challenged

- This is already an area with very poor air quality

Twenty-seven (27) individual letters of representation (15 of which are in identical format) have been received in support of the proposed development for the following reasons:

- Enterprise Point is a blight on the Brighton landscape
- There aren't going to be 800+ residents in the building overlooking others
- Not transient, as residents will have a 12 month tenancy, as do most renters in Brighton
- Melbourne Street will be a much nicer place to look at
- The developer has made commitment to working with community organisations in the area
- This is exactly the accommodation that I will be looking for when leave university and start my own business here
- Good for retaining graduates in the city

One (1) further letter of comment was received, commenting as follows:

- Recommending installation of the appropriate number of swift bricks/boxes

Re-consultation:

A further **eleven (11)** letters of **objection** (from different individuals than previously received) were received, for the following additional reasons:

- Building work and noise will require the closure of the playground during school terms throughout the project
- Health risks to the children, teachers and parents, especially those asthmatic, due to dust and other harmful substances
- Deliveries and machinery will disrupt traffic at the Melbourne Street Entrance to school
- Even with the amendments, this building will **STILL** be too large and overbearing
- Buildings remain too high with too many units to be appropriate

A further **two (2)** letters of support (from different individuals than previously received) were received with similar reasons stated under original consultation.

6. CONSULTATIONS

External

County Archaeologist: No Objection

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the

risk of damage to archaeology is mitigated by the application of planning conditions.

County Ecologist: No Objection

Initial Comments

It is recommended that the proposed development is refused on the basis of insufficient information on bats and that a GLTRA is undertaken as soon as possible, especially as winter is the optimum time for this type of survey.

Notwithstanding any further surveys and/or mitigation identified following the GLTRA, the proposed development would have been recommended for approval in principle subject to the imposition of conditions. The development offers opportunities for enhancement that will help the Council meet its roles and responsibilities under the NERC Act, NPPF and City Plan policies, particularly if biosolar roofs with chalk grassland can be delivered.

Further Comments

It is recommended that the proposed development is approved in principle subject to the imposition of conditions, including a condition to undertake further bat surveys on T69 and T72 prior to any tree works.

Environment Agency: No Objection

No objection to the proposal provided that recommended conditions be attached to any planning permission granted.

Health and Safety Executive: No Objection

Initial Comments

Concerns raised regarding means of escape and fire service access & facilities.

Further Comments

Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design to the extent that it affects land use planning.

Indigo Pipelines: Comment

If the applicant finds buried Gas Plant that are not marked or are incorrectly marked on record plans, then the applicant is required to contact us as soon as possible to give Indigo Pipelines the opportunity to amend records. There may be other privately owned buried Gas Plant in the area, which is outside the control of Indigo Pipelines Ltd. Attention is drawn to the need to take trial holes to determine the exact position and depth of buried Gas Plant to avoid the risk of injury to staff or damage to the existing Plant.

National Highways: No Objection

There are agreed A27 Trunk Road mitigation measures required to deliver the development in the City Plan Part 1 to be funded by the development in the City Plan. If this development is to be considered car-free and not contribute towards the A27 mitigation required by the City Plan, then the Council should prohibit the sale of parking permits to residents at this proposed development.

Scottish Gas Networks: Comment

In the event that gas pipes are present within the site, there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.

Southern Water: No Objection

The exact position of the existing combined sewer and water mains must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. The 300 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The applicant proposes to limit surface water flow to less than (50% betterment) the existing flows into the sewerage system. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows.

Sussex Police: No Objection

Historically there are cases where homes of multiple occupancy have given rise to instances of anti-social behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning. However, having contacted the applicant and having read the accompanying management plan, Sussex Police are reassured that due to the fact that reception will be staffed 24/7 and the development managed by an onsite accommodation team, any potential issues with tenants will be dealt with in a timely manner.

Whilst there are no concerns regarding the design and layout, security measures are recommended including details relating to design of front access doors, access control including to shared corridors and bedroom doors, postal arrangements, controlled lift access, CCTV, cycle security, low ground planting to maintain natural surveillance, advice from Sussex Police Counter Terrorist Security advisers, and lighting.

UK Power Networks: Comment

The proposed development is in close proximity to UK Power Networks substation. If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act.

Internal

Air Quality: No Objection

The vehicle trip contribution including servicing and other will be less than 100 per weekday. It is recommended that there is an avoidance of combustion on site - including gas boilers with emissions to air.

Arboriculture: Comment

The Arboricultural Impact Assessment states that pruning in some instances will exceed the maximum recommendation stated within BS 3998: Tree work - Recommendations, this will have a detrimental impact upon tree health, the expectation post development pressure and the requirement for repeated intervention pruning to maintain a minimum of 1 metre clearance from structure, leading to the loss of the majority of trees currently in proximity.

The proposed development is within the root protection area for the majority of trees located upon the bank, although we cannot assume there is rooting activity within current hard standing, proposed excavation to enable foundation construction will remove any that had an opportunity to establish.

It is worth noting that access for both inspection and intervention work to the north bank will be highly complex once construction has been completed, placing a considerable burden upon the cemeteries budget, post development pressure to maintain clearance from structure, complaints relating to shading, leaf drop and wildlife ingress are to be expected from future residents.

BHCC Arboriculture are of the opinion that should consideration be to grant consent to development, the majority of current vegetation will require removal pre and post development, we would also recommend Cemeteries arrange for an assessment of trees within their boundary to address safety issues raised within the tree survey.

City Clean: No objection

Economic Development: No objection

Economic Development regrets the significant loss of 2,721.5m² of B1(a) office floorspace within Brighton & Hove, however, this will be partly redressed by provision of co-workspaces of 941sqm at ground level on this site. Economic Development therefore welcomes the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who are struggling to find suitable and affordable workspace in Brighton & Hove. We also note that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace which we would welcome. Given the proposed floorspace, the team would like to see an increase in the proposed employment figure of 9.5 full time equivalent (FTE).

Employment and Skills: Comment

Due to the size of this development, it would be categorised as a major development and as such would be subject to developer contributions in line with the council's Technical Guidance for Developer Contributions. Based on the information provided in the application, the contribution requested is £27,800 and will be included in a S106 Agreement.

In addition, as there will be demolition and construction phases involved in the development, separate Employment and Training strategies will be required in respect of both phases which should be submitted for approval 1 month before phase commencement.

Environmental Health: No Objection

Historical mapping shows that 15-18a Melbourne Street previously operated as Salvage merchants, Scrap Iron and metal merchants. A contaminated land desk top study has been carried out and a Land contamination consultant has determined that the Councils con land condition and asbestos condition are required. The report has identified that asbestos may be a concern. If asbestos is found during construction it should be disposed of responsibly and taken to a licenced site.

An acoustic report has been carried out by Ion Acoustics on 25 April 2022. The report states that the type of equipment to be installed has not yet been decided upon. Once this has been decided upon the applicant should ensure that equipment will meet the following criteria and that this should be conditioned.

Heritage: Comment

Initial Comments

In this case there is no objection in principle to the proposed development and broadly its scale, massing, design and materials are considered to be acceptable. However, due to its height and massing Block A1 is visually harmful to the settings of: the Roundhill Conservation area; the grade II listed buildings at 101-113 Roundhill Crescent; and the grade II registered park and garden of Woodvale Cemetery, particularly when considered cumulatively with the extant approval for 19-24 Melbourne Street. This harm to designated heritage assets is less than substantial under the terms of the NPPF in each case, but must nevertheless be given great weight in decision-making.

Further Comments

It is considered that the harm to the setting of the listed buildings has been overcome, but that some harm to the character and setting of the conservation area remains. It must be acknowledged that the greatest impact and also the greatest harm remains in the view from Round Hill Crescent (View 3). However, it is also acknowledged that this is part of a series of kinetic, unfolding views rather than a stand alone view and, taking the sequence of views as a whole, the harm would be minor. This harm should be given the appropriate weight in assessing the overall planning balance of the application.

Housing Strategy : No Objection

As a form of shared housing the homes are classed as sui generis in planning terms, meaning that technically they do not fall within the remit of our Affordable

Housing Policy CP20 which relates to (self-contained) residential dwellings - planning class C3. Co-living also has similarities with Build to Rent housing in that the homes are purpose built for renting not sale. However, Build to Rent housing is self-contained and has been included within the definition of affordable housing as Affordable Private Rent in the National Planning Policy Framework (NPPF) with special conditions attached ie at a reduced rent to people who meet agreed criteria such as key workers and/or specified salary levels.

The NPPF requires Affordable rented housing to be provided by a Registered Provider (other than Build to Rent schemes where the affordable private rented homes can be managed direct by the owner). Registered Providers are regulated by the Social Housing Regulator which ensures the council's duty of care to tenants allocated from the council's Housing Register is met.

It is accepted that the co-living concept, the tenure and the nature of the proposed housing do not lend themselves to nominations from the council's Housing Register. Furthermore, as outlined, the housing provided is sui generis class which does not have a liability to provide affordable housing. The provision of on-site affordable housing is not considered appropriate and a financial contribution towards off-site provision is considered a positive solution in this instance. The developer at this scheme has offered £2.5m commuted sum in lieu of homes on site. A financial contribution can be utilised by the council to provide affordable housing on other sites or by purchasing existing or newly built homes to be used as affordable rented housing.

Land Contamination Consultant: Comment

The development lies on former railway land and adjacent to a number of former industrial activities. The desk study is acceptable (though the applicant should note there is also historic information of a laundry/dry cleaners located at the eastern boundary of the site from 1910-1950).

A contaminated land condition for this development is recommended. Due to the demolition of the existing building the team would also recommend an asbestos informative - which falls under the Health and Safety Executive.

Planning Policy: No Objection

The application site is part of the strategic site allocation for mixed-use (residential and employment) 'Melbourne Street Industrial Area' included in City Plan Part One Policy CP3.4. Planning permission has already been granted for a co-living development on an adjacent site at 19-24 Melbourne Street and the principle of an integrated scheme is supported.

The redundancy of the existing Enterprise Point building has been previously accepted, and regeneration of the site welcomed. The proposed development of the site would contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3 and there is therefore no objection in principle to some co-living accommodation on the site. The level of employment floorspace proposed is satisfactory as a response to the policy requirement in CP3 subject to their views.

It was established during the determination of BH2019/01820 that sui generis co-living accommodation can be counted towards the city's housing target. The proposed development of the site would therefore contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3.

Private Sector Housing: No objection

Public Art: No objection

To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.

Sustainability : Comment

Clarification is required over the heating and PV proposals and whether they relate to the development as a whole or to individual buildings. Further clarification is needed on whether the residential and the non-residential parts of the development are being developed to the appropriate residential / non-residential standards - the Energy Statement lacks clarity on which standards apply to which parts of the development. The developers should ensure that they meet not only BHCC's planning policies but also the 2020 Building Regulations which came into force in June 2022. Conditions are recommended.

Sustainable Drainage: No objection

In their 2013 response the Environment Agency disallowed any infiltration to the ground due to contamination risks to the ground water. The Lead Local Flood Authority (LLFA) has no objection to the current proposal. However, further information will be required at detailed design phase for full approval.

Sustainable Transport: Comment

Initial Comments

The application does not include any on-site car parking. The LHA is concerned that all parking demand will therefore arise as overspill onto surrounding streets. Whilst much of this can be prevented by permit-free and other conditions, not all of it can. Whilst it is appreciated that much of this can be prevented by permit-free and other conditions, including the implementation of a Travel Plan, not all of it can. Residual overspill will predominantly occur from visitors of the residential co-living development and employees/visitors of the co-working space. Residential visitors will be able to access visitor permits to use either permit-holder-only or shared-use bays (including by using visitor permits), whilst café customers/visitors will be able to use shared-use bays as pay-and-display users. Visitor parking demand must also be taken into consideration; estimates for residential units should be based on the value of 0.2 spaces per unit as recommended in the DCLG 2007 'Residential Car Parking Research' document. Based on 63 units this would equate to 13 (12.6) visitors per day, this level of vehicles traveling to and from the site will need to be taken into account. The LHA acknowledges the applicant's innovative approach to this co-living development, which will offer prospective residents all kinds of social and recreational on-site benefits. With this in mind, the impact of resident and visitor parking and traffic congestion is a

potential issue for all co-living-style developments, irrespective of the size of the development.

Further Comments

The LHA responded to this seeking further information and clarification on a number of transport and highways related matters in relation to the development proposal and potential impacts prior to determination. The applicant provided a response document in November 2022, which seeks to address any outstanding issues and provide clarification where requested.

The LHA finds this application acceptable, subject to the inclusion of the recommended conditions, informatives and the implementation and ongoing monitoring of a Travel Plan, secured through the Section 106 agreement.

Urban Design Officer: Comment

Initial Comments

Proposals present many positive design attributes including a general site layout and massing strategy which generates legible routes and frontages, and responds well to environmental conditions and the prevailing urban grain of the area; provision of communal amenity spaces at ground and rooftop levels; landscape design principles which generate varied and high quality external environments with large areas of ground planting; public realm improvements to Melbourne Street spanning between all three phases of proposed development; high quality co-working spaces at ground level; provision of living space which is proportionately distributed throughout proposals; intent for cohesion in visual character between all three phases of development to generate strong identity; an advanced and ambitious strategy for operational carbon neutrality.

However, there are some concerns and recommendations including primarily standoff distances to the east and west; proposed massing against Melbourne Street and in the north-west corner of the site which appears overbearing due to the width of tall frontages, though the location of increased height in the north-west corner is supported; a lack of setback/articulation of upper levels which generates an oppressive/overbearing character to the east and west and which presents a lack of cohesion with the approved Phase 1; zero provision of private external amenity space; the circular economy & embodied carbon strategy which is undeveloped.

Further Comments

In general, additional material addresses a number of the comments raised where clarity of information was requested such as around access and delineation of public and private space. There remain concerns in relation to some comments particularly around sunlight to external areas, north-facing single aspect rooms and internal daylight / sunlight.

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

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

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
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP13 Public streets and spaces
- CP14 Housing density
- CP15 Heritage
- CP17 Sports provision
- CP18 Healthy city
- CP19 Housing mix
- CP20 Affordable housing
- CP21 Student housing and Housing in Multiple Occupation
- DA3 Lewes Road Area

Brighton & Hove City Plan Part Two

- DM1 Housing Quality, Choice and Mix
- DM6 Build To Rent Housing
- DM9 Community Facilities
- DM11 New Business Floorspace
- DM18 High quality design and places
- DM19 Maximising Development Potential
- DM20 Protection of Amenity

DM22 Landscape Design and Trees
DM26 Conservation Areas
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green infrastructure and Nature conservation
DM40 Protection of the Environment and Health - Pollution and Nuisance
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables
H1 Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

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

Principle of the Development

- 9.2 Planning Policy Background
- 9.3 The site is located within the DA3 Lewes Road Development Area. A key aim of this strategic allocation is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which:
- improve further and higher education provision in the Lewes Road area;
 - facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling;
 - secure improvements to the townscape and public realm;
 - deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives;
 - improve air quality in the Lewes Road area; and
 - deliver the amounts of development set out in allocations within Part B of the policy.
- 9.4 The Melbourne Street Industrial Area is located to the east of the Lewes Road District Shopping Centre and is identified as being in need of investment in the supporting text to policy DA3.

- 9.5 The application site is allocated in City Plan Part One Policy CP3 as part of the 'Melbourne Street Industrial Area' allocation for employment-led (residential and employment) mixed use development. The allocated site comprises the application site together with the smaller adjoining site to the west at 19-24 Melbourne Street (development approved under application BH2019/01820). Along with the development under consideration at 123C Lewes Road (Machine Mart) under a separate application, it is considered that developing the entire CP3.4 strategic allocation as one development, albeit phased, would have the potential for a more coherent development that overall makes better and more efficient use of the wider site in principle. This is subject to details of the development as assessed within this report.
- 9.6 Policy CP3 identifies the Melbourne St Industrial Area for employment led (residential and employment) mixed use development. This policy seeks to safeguard sufficient employment sites and premises to support job creation and the needs of modern business whilst allowing some mixed use. The existing Enterprise Point application site has been in a dilapidated state for many years and therefore its redevelopment would be welcomed in line with its inclusion as a strategic allocation in Policy CP3.

Employment:

- 9.7 City Plan Policy CP2 'Planning for Sustainable Economic Development' supports the bringing forward of a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The employment space could support small businesses in the fast growing creative, digital and technology sectors. The principle of flexible working is therefore supported.
- 9.8 The wider employment role of the area in bringing forward employment floorspace is acknowledged in Policy DA3 through a number of strategic allocations and through the protection of existing industrial estates within the area.
- 9.9 The existing Enterprise Point building has a current use of Class E and sui generis space with employment space of 3,962m²sqm. The proposed co-working space on the ground floor level within two buildings would total 1,101.2m², resulting in a net loss of approximately 2,850sqm of employment space. Improvements have been made to the proposed employment space since pre-application stage, with an increase of over 200sqm in provision, and an improved layout in a more prominent from the lower ground to ground floor location. This is likely to make it more attractive to users and is welcomed.
- 9.10 Paragraph 4.36 in the supporting text to policy CP3.4 sets out the factors that would be considered for permitting a net loss of employment space. They include:
- Site constraints including opportunities for more effective use of the site.
 - The need for environmental and townscape improvements
 - Access arrangements
 - Safeguarding the amenity of surrounding users and occupiers

- The quality of employment offer in terms of type of employment and density
 - Viability
- 9.11 The Council Economic Development team note that the building in its current form is dated, in poor condition and not best suited for modern business requirements, that and most of the site has been vacant for several years so does not contribute to the local economy. Previous applications have accepted that the current buildings on site are unsuitable for ongoing commercial use, and that given the age and quality of the Enterprise Point building, refurbishment would not be viable. A similar net loss (2,919sqm) of employment space was considered acceptable under planning permission BH2018/02751, with the present scheme contributing to the wider redevelopment of the site allowed under that. The redundancy of this building and the proposed level of employment floorspace provision is therefore considered acceptable here, and the regeneration of the site is welcomed in principle.
- 9.12 The permitted scheme (BH2019/01820) on the adjacent site included 587m2 of co-working floorspace within a development containing 83 single-occupancy co-living units. This proposed scheme would provide 941m2 co-working space with 410 workplaces created in the two new ground floor employment spaces. These workspaces comprise a mixture of desks, chairs at communal tables, sofas, and stools within ground floor level rooms.
- 9.13 The applicant has submitted a report by Oakley Property - 'Employment Space Viability & Office Market Review' dated October 2021 to address the issue of the employment floorspace provision. This report sets out the issues of the office market in Brighton following the COVID-19 pandemic (such as larger office spaces being difficult to let), and that it is accepted generally that there is significant uncertainty of how changing working models will impact on demand in the longer term. The report indicates that the proposed development optimises the use of the employment space and is of an appropriate size in this location.
- 9.14 The Council Economic Development team has confirmed that they welcome the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who may find it difficult to find suitable and affordable workspace, and that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace. It is noted that demand for such space, particularly within a co-living development where residents have limited space to work within their own residential accommodation, could provide a flexible way of working as changes in working patterns and greater homeworking opportunities continue. Overall, it is considered that the level of employment floorspace proposed is satisfactory in relation to the requirements in Policy CP3.
- 9.15 The proposed employment space would fall under the broad Class E (Commercial, Business and Service uses) within the current Use Classes Order. Therefore, a condition is required to restrict activities to E(g) in accordance with Policy CP3

- 9.16 The location is well located for high density development, with good access to local facilities and services (including health, recreation, schools and utilities), and being well served by public transport.
- 9.17 To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development and requiring a contribution towards the Council's Local Employment Scheme.

Co-Living Housing:

- 9.18 Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.19 The Melbourne Street Industrial Area is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) for an indicative 80 residential units. It was established during the determination of application BH2019/01820 that sui generis co-living accommodation can be counted towards the city's housing target. The contribution towards the target is calculated at a ratio of 1.8 co-living units to one housing unit, as set out in the national Housing Delivery Test guidance. The proposed 269 units would therefore equate to a contribution of 151 housing units.
- 9.20 The proposed development of the site would therefore contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3 and there is therefore no objection in principle to some co-living accommodation on the site.
- 9.21 Further, policy DM6 of City Plan Part 2 relates to Build-to-Rent developments of which co-living is a variety which would provide professional and on-site management, and the application is considered to comply with this policy.
- 9.22 The applicant has set out analysis indicating that the proportion of young professionals and graduates in Brighton & Hove is higher than the national average. The residential co-living units proposed are aimed at a market for whom buying property is not an option. The proposed co-living is set out as

aimed at this segment of the population, and together with the well-known housing pressures in the city, the Council Planning Policy Team acknowledge that there would be demand for this type of housing product.

- 9.23 The type of occupation would be flexible, with short tenures available as well as long-term leases, and management of rentals is expected to be in-house which would reduce fees for renters. There would also be no utility bills and the use of the gym and other facilities including break out space, laundry etc would be free. Residential occupants would also be able to use the workspaces on the ground floor at no extra cost. Kitchen utensils, bed linen and cleaning services would be included in the rent.
- 9.24 Policy CP19 requires that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. The applicant has referred to the site constraints which they consider means that the site is unsuitable for providing family accommodation such as providing suitable outdoor amenity space and off-site car parking. The flexible nature of the co-living units would provide an alternative type of accommodation to shared houses or flats. This is a material consideration and is considered to alleviate the lack of variety of accommodation in this development. The double occupancy nature of the units is noted and would provide an element of flexibility for future occupants. The lack of a housing mix to ensure full compliance with Policy CP19 within the scheme does weigh somewhat against the application, however given the significant benefits of the scheme elsewhere as set out in this report, this is not considered to be so significant as to warrant refusal of the scheme in this instance.
- 9.25 A suitable condition would be required to ensure that no full-time students including post-graduates and full time PhD students could live in the development and that the residential accommodation could only be used for the purposes set out in the application.
- 9.26 On this basis the principle of the housing to be provided on the site is considered acceptable and beneficial to the housing need in the City, which must be given weight in determining the application.

Affordable Housing:

- 9.27 The Housing Strategy team have referred to the pressing need for affordable housing as identified in the Affordable Housing Brief. Affordable housing in the city is usually provided by the council or by a Registered Provider partner who develops a mix of housing for affordable rent and shared ownership. Affordable rented housing remains the priority for the council with affordable rent capped at a maximum level of local housing allowance (including any service charges).
- 9.28 Policy CP3 states that for employment-led mixed-use sites, an appropriate mix of housing and provision of affordable housing will be required to comply with CP19 Housing Mix and CP20 Affordable Housing. Offsite provision via a commuted sum payment is an accepted policy position in schemes with exceptional circumstances. Whilst sui generis housing models do not strictly

have a liability for affordable housing provision, CP20 notes that affordable housing will be sought for all residential developments and it has been agreed that the co-living model contributes towards the city's housing target. As accepted under the approved application BH2019/01820, the co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register, and therefore the provision of on-site affordable housing is not appropriate and a financial contribution towards off-site provision is considered an acceptable solution.

- 9.29 The applicant has agreed a developer contribution towards affordable housing. The applicant has agreed to a contribution to affordable housing notwithstanding that this new form of accommodation would not fit the template for attracting an affordable contribution on or off site. A commuted payment of £2.5 million has been proposed towards affordable housing in the city. This would be in the form a one-off payment which will be used towards the provision of affordable housing elsewhere in line with policy CP20. The basis for this calculation has been agreed with the Council Housing Strategy team and is considered to be acceptable and would be secured through a s106 legal agreement.
- 9.30 Alongside Phase I approved under application BH2019/01820, the co-living/ co-working scheme creates a new template for the development of such schemes and the take up of this type of accommodation. Many of the costs associated with rented accommodation are included such as bills and included is the provision of items such as bed linen and kitchen utensils with cleaning services included. Shared space and socialising to combat loneliness are listed as potential benefits of this type of housing.
- 9.31 In this instance it is understood that the housing provided will be managed by the owner, or an agent acting for the owner. The information provided with the application states that the length of leases will be flexible, so that tenants have a choice to fit in with their needs rather than having to commit to traditional year-long rental contracts. Usual fees associated with private renting would also not be applicable.
- 9.32 Overall, it is considered that the proposal would make an acceptable contribution towards the provision of flexible rented accommodation in the city and that in this instance the affordable contribution secured would weigh in favour of the scheme. The proposal is supported by the Planning policy team and by the Housing Strategy team conditional on securing the affordable housing contribution by s106.

Standard of Accommodation:

Internal Layout:

- 9.33 Generally, it is considered that the ground level internal spaces appear well proportioned and locations of secondary elements such as bin stores, cycle stores, and plant rooms etc. appear successful. The proposed development would provide co-working spaces conveniently located at ground floor level, which appear well proportioned and benefit from high levels of natural light. The

provision of living space is proportionately distributed throughout the floors of the buildings. The opportunity for dual aspect communal kitchen/living spaces has been increased. The upper floor corridors are long and double-banked, but have end windows for natural light. The ground floor entrance lobbies appear to be generous in size that could accommodate seating/gathering space. The proposed floor levels are designed to be level with the Phase I development so that the corridors of Block A1 would link with the neighbouring development.

- 9.34 By the nature of the proposed housing typology, all studio-room units would be single aspect - i.e. have windows facing only in one direction. Single aspect units can present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. However, in this case these are not self-contained units, and future residents would benefit from shared kitchen/lounge amenity spaces on each floor. Only a very small number of the studio-room units (in Block A1) are north facing. The submission indicates that all studio and co-living rooms offer capacity for a sky view within the room and, with effective internal arrangements, may afford residents good outlook. As such, proposals are considered to optimise aspect/outlook for this type of housing.
- 9.35 The proposals would provide a co-living/co-working development, where the residential studios are sized below the Nationally Described Space Standards (of 37sqm for a studio unit) with floorspaces ranging 22.2-26.2sqm with larger accessible studio rooms ranging 27.5-35.2sqm. However, these are not self-contained units and so residents would not be expected to be solely live within the studio room, but would have access to common kitchen/lounges on each floor, as well as the co-working and other amenity spaces including gym. Each studio room is designed for dual occupancy potential and would contain an ensuite bathroom and a kitchenette. It should be considered a similar scheme to that allowed under BH2019/01820 which formed Phase 1 of the wider redevelopment of the site, with a similar layout and arrangement. The proposal includes accessible units which results in 10% of studio rooms being accessible for persons with disabilities.
- 9.36 There would be some level of mutual overlooking between the windows and balconies of the proposed buildings. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard. It is noted that the amendments to the siting and orientation of the building have improved privacy levels and minimised overlooking, and a condition is required for details to be submitted for balcony screening.
- 9.37 With regard to access standards, lift access is provided alongside each building staircase. The applicant has confirmed that the first floor garden spaces would have level access at first floor level from within the buildings.
- 9.38 The applicant's Fire Statement Technical Note states that the fire safety measures include 'a sprinkler system, smoke vented corridors, a high level of compartmentation, and a dry riser in each block, with full firefighting shaft in Block A'. As originally submitted, the Health and Safety Executive (HSE) during consultation raised concern regarding means of escape and fire service access.

Following amendments to the under-croft height (providing a 4m height clearance by lowering the ground level) and internal layout of Block A to include an additional staircase to the 5th, 6th and 7th floors, HSE welcomed the design modifications and have no further objection to the design, which will be considered further under later regulatory stages outside of planning control.

Outdoor Amenity Space:

- 9.39 CPP2 Policy DM1: Housing Quality, Choice and Mix states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Schemes should aim to provide private amenity space through balconies and/or garden space, as a sense of ownership of external space is important to any home but especially important to high density residential schemes such as proposed here.
- 9.40 The central courtyard appears to be considered to be a successful design in this regard between the blocks and would provide future residents with legible access to all entrances, as well as emergency vehicular access. The proposed first floor level roof terrace to the north would provide amenity space away from the likely more travelled central courtyard. The proposed eastern podium spaces would also provide quieter shared amenity spaces for residents with more focused landscape uses including food growth and communal gardening.
- 9.41 It is understood that the building will be always staffed, and that passive surveillance will be present throughout the day due to the entrance lobby located within the undercroft. Sufficient lighting would also ensure a welcoming and safe entry sequence here, details of which are required by condition.
- 9.42 Some private amenity space is provided to almost a third of the studio rooms facing into the courtyard via private balconies (85 no. in total). This is positive, however many studio rooms do not benefit from balconies as they face neighbouring sites which would result in harmful overlooking and loss of privacy. It is also recognised that there needs to be a balance between number of balconies in relation to internal daylight compliance. The balance of provision on balance is therefore accepted in this instance. Private use of some of the gardens will be required by condition to ensure that the amenity spaces do not become too highly pressured. Overall, it is considered that private and shared amenity space is acceptable.

Daylight/Sunlight:

- 9.43 The ratio of north-facing studio rooms is low, however the majority of studios are single aspect which limits the amount of possible internal daylight and natural ventilation. The updated results of the Sunlight/Daylight Assessment, following amendments to the scheme and further information provided, suggest that 245 of the 299 rooms (82%) would meet at least the living room 1.5% average daylight factor and half of the rooms would be able to meet both the annual and winter probable sunlight hours recommendations set out in BRE guidance. Most

of the studio rooms below the recommendations are located at first and second floor, which can be expected of high density, tall developments.

- 9.44 The submitted sun path studies of the external areas of the proposal raise some concern that the proposed external amenity areas and balconies would be subject to some shading during mornings and afternoons in both summer and winter, with limited sunlight in winter. This would be expected given that the outdoors spaces east of the site are narrow and close to existing and proposed buildings. The BRE suggests that ground floor landscape amenity spaces results would meet BRE guidelines. Overall, daylight/sunlight to the outdoor areas are considered acceptable given the constraints of tall development surrounding.

Noise:

- 9.45 Planning policy seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment. A Noise Impact Assessment has been submitted to address potential disturbance from nearby sound sources. The Assessment concludes that noise would be a low risk factor in this instance as the site is set away from Lewes Road. Measures to ensure appropriate noise levels within units can be secured by condition.
- 9.46 Taking all of the above into account, it is considered that the proposed development would provide an acceptable level of accommodation for future residents.

Design and Appearance:

- 9.47 Policy CP12 of CPP1 relates to urban design and states that development should provide high quality design, create a sense of place, conserve and enhance the city's built archaeological heritage and settings and achieve excellence in sustainable building design and construction.
- 9.48 Policy CP15 of CPP1 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.

Site Setting

- 9.49 The site context is mixed in character. To the east is a neighbourhood characterised by small scale low rise late Victorian dwellings typical of development in the Hanover and Elm Grove ward extending up the side of the valley. The dwellings on Shanklin Road comprise part 2/3 storey terraced dwellings built into the slope facing directly onto the site with compact rear gardens. Opposite the north-east corner of the site is 29 Shanklin Road, a former dye works building was converted into 19 flats and studios in the late 1990's. The west flank of this building has its original windows facing directly onto the application site on the boundary itself. Some of these flats have a single aspect

onto the current open car park of the site whilst others face north onto the cemetery or front Shanklin Road. Some corner units have both west and south-west facing windows on the splay.

- 9.50 To the north, the main constraint is the historic Woodvale Cemetery gardens featuring a large mature tree belt which overhangs the site. Viaduct Lofts, opposite the site on Melbourne Street is part 3, 4 and 7 storeys. Some of the flats face east to the site and have balconies. Viaduct Lofts was built in 2012 on the site of a former builder's yard having been allowed on appeal. The remainder of the character of Melbourne Street south of the site features small scale two storey Victorian terraced dwellings.
- 9.51 The south boundary of the site adjoins the playground of St Martin's Primary School but the school buildings are set back further to the south, accessed from Hartington Road. One other adjoining building to the south is Gladstone Court, a 4 storey late 20th century residential block of flats which has an east-west outlook.

Site Layout:

- 9.52 The buildings on site are of no architectural or historic merit and the demolition of existing is considered acceptable in principle.
- 9.53 Historically the site was formed part of the railway viaduct on the line which served Kemp Town. The proposed development would increase the footprint of development significantly on site by developing close to the east and west site boundaries. The existing Enterprise Point building is set significantly back from Melbourne Street, whereas the proposed layout would provide a street frontage building in this section of the street. This, however, would enable well orientated buildings and external spaces, including the creation of a south facing external courtyard.
- 9.54 The proposed site layout has been shaped by pre-application advice to generate improvements to the legible routes and the frontages, and it is considered that the resulting layout responds well with the provision of communal amenity spaces, a legible frontage and public realm to Melbourne Street, and consideration of a coherent visual character between all the phases of development across the wider site. Car parking access and spaces provided are well located to north of the site, and therefore separated from the pedestrian routes and amenity spaces in order to generate a more pedestrian and cycle friendly environment, which is welcomed.
- 9.55 There would be a separation distance of 14.3m between the western frontage of Block A and Viaducts Lofts on the opposite side of Melbourne Street, an increase of 0.3m agreed as amendments to the scheme during the application process. The heights of the existing and proposed buildings here create a somewhat enclosed feel to the street environment, however it is considered the separation distance is comfortable enough and typical of the area's neighbouring tall buildings.

Form/Scale/Massing:

- 9.56 The scheme falls under the City Plan definition of 'tall buildings' in Policy CP12. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site. On this basis, it is considered that taller developments would not be resisted on this site.
- 9.57 The current mid 20th century Enterprise Point building has a large footprint centred in the middle of the site but it does provide a larger open area around three sides of the site which mitigates its height and the resulting impact on the urban form and its neighbours. The exception is the eastern side of the site where the building line is much closer to the east boundary.
- 9.58 Following concerns regarding the proposed 6-8 storey height against Melbourne Street appearing overbearing, during the application process, amendments were made to reduce the lengthy 8 storey frontage of Block A with the part removal of 8th storey in the corner of Block A fronting Melbourne Street on both west and south wings. The amendments also included a slight set back of Block A building from Melbourne Street by a further 0.3m, and the introduction of a mansard roofline on the top storey placed slightly back from the front elevation (which is more of a perspective change than significant setback from elevation).
- 9.59 The proposed development would have a more substantial impact on the character of the generally small-scale Melbourne Street streetscene. Viaduct Lofts at 7 storeys maximum does step down in height along its north and east frontages to reflect the more domestic scale in the streetscene particularly on Melbourne Street and this also has the effect of reducing its bulk in townscape views. The proposed massing against Melbourne Street is considered successful and appropriately scaled. The Council Urban Design Officer has highlighted that the street-scene has now been well considered in the context of what exists, as well as appropriate context with the proposed phasing of the wider development site around Enterprise Point and along Melbourne Street (including against the approved 6 storey at 19-24 Melbourne Street).
- 9.60 Following pre-application advice, the massing and heights of buildings across the site has taken into account the neighbouring context and is considered to respond positively to the prevailing urban context. The increase of height of Block A has allowed for the blocks to the east to be all lowered to 6 storeys which is welcomed to reduce the impact on direct neighbours along Shanklin Road.
- 9.61 The six storey heights of Blocks B, C and D are sympathetic to heights of adjacent Shanklin Road properties, remaining below the roofline of these properties in elevation. This is a significant improvement over the previous application BH2018/02751, which had proposed 8-storeys in the north-east corner of the site, and which was refused partly on the grounds of its "overbearing nature" to Shanklin Road. The proposed heights of the buildings broadly align with that of the existing building, and the greater height of part 8 storey of Block A is considered appropriate in the north-west corner as this

minimises impact on neighbouring amenity. The character and nature of the site and area is such that the proposed blocks would sit appropriately in this context.

- 9.62 The proposed single storey connecting part across the northern site boundary is considered successful in generating a defined edge to the courtyard, but reducing the sense of enclosure and still enabling open views of the existing mature tree canopy from the courtyard.

Impact on nearby Heritage Assets:

- 9.63 CPP2 Policy DM29 states that 'Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.'
- 9.64 To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery, with the conjoined Gothic chapels being grade II listed, as well as some of the monuments within the site and the North Lodge in the entrance driveway (a short distance from Enterprise Point) also grade II listed. The Extra-Mural Cemetery further to the north (which is a locally listed heritage asset). The proposed Block A1 would rise above the height of the tree canopy in between the development site and cemetery, and due to its scale and proximity would have some impact on the setting of the cemetery and North Lodge. The impact here is considered to be minor by the Council Heritage Team, and is further reduced by the amendments to the reduction in height of part of the Block A building at the western and southern ends. In addition, design and materials amendments have been made to the top floors, including Block A.
- 9.65 A significant constraint further to the west rising up the west side of the Lewes Road valley is the Round Hill Conservation Area which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed, including numbers 101-113 at the north-east end. The scale, height and proposed materials of the proposed development have been required to take account of the setting of the conservation area from within the Round Hill area and in longer views across the valley from east of the site. Following amendments to the scheme, the heritage harm between the development and the conservation area (including the listed buildings at 101-113 Round Hill Crescent) is considered reduced. The Heritage Team have stated that the submitted viewpoints from the conservation area show that more of the tree canopy would now remain visible above the development and the 7th floor would better blend into the background. In the view towards the conservation area from Shanklin Road, the reduction in the footprint of the 7th floor at the southern end is considered to now fully overcome the previously identified harm to the settings of the heritage assets.
- 9.66 The Heritage Team highlight that despite improvement elsewhere, there remains a minor impact from the viewpoint from Round Hill Crescent (the view of visual gap of 'breathing space' between the development and the listed building at 113 Round Hill Crescent from this location). However, given the improvements

to the heritage harm overall, it is considered that the proposed development would not have a significantly detrimental heritage impact.

Appearance, Detailing and Materials:

- 9.67 There is clear intent to achieve visual cohesion with the approved Phase 1 on Melbourne Street and this approach is strongly supported. This includes the use of arched ground / first floor apertures (reference to the historic viaduct) which would be slightly narrower in proportions to that of the approved Phase I which would provide some diversity within the elevations.

The primary material would be brown brick (with secondary whiter shades) in keeping with more recent development along the Lewes Road corridor, as well as the Phase I development on the western adjoining site. The elevations feature strong architectural features and a depth to the elevation featuring concrete banding, brass coloured window/door frames, and white window panels, The metal clad top floors with a standing seam would contrast well with the brickwork on the floors below.

- 9.68 The proposed arched entrance to Block A fronting Melbourne Street is located strategically for long views and would generate a strong sense of arrival to the site. Additional windows have been introduced into the North façade of Block A at ground floor which is likely to improve passive surveillance over the undercroft.
- 9.69 Overall, the materiality proposed is considered acceptable and is seen to be complimentary to that which exists and the approved Phase I. Some of the visuals indicate public artwork to the entrance walls of Melbourne Street. A contribution will be secured towards public art, in accordance with policy.

Landscaping:

- 9.70 The character of Melbourne Street would be significantly improved by incorporating street trees and ground planting alongside more controlled parking arrangements, an overall improved pedestrian environment and improved surface materials. The landscape proposals within the main site area are considered to have developed successfully and include varied levels and locations which provide different character areas and potential functionality for future residents. The Council Urban Design Officer has highlighted that the indicative planting palette appears diverse and appropriate to environmental conditions in each area, with a drainage strategy includes some SUDS features including blue / green roofs and rain gardens in strategic locations which will both attenuate and filter pollutants from surface water runoff.

Impact on Trees:

- 9.71 Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the

development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development. Policy DM37 of the City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure.

- 9.72 The site currently comprises buildings and hard standing with little in the way of vegetation, and is therefore of relatively low ecological value. The main ecological significance is the impact on the belt of trees on a step bank to the north which create a significant backdrop to the site and grow over the site from the cemetery land forming part of Woodvale, Extra-mural & Downs Cemeteries LWS with extensive evergreen spindle, consisting mostly of elm and sycamore mature trees. Some of these trees overhang the car park of the existing site.
- 9.73 The proposed development would require the removal and pruning of some trees along the northern boundary and within the LWS. The submitted Arboricultural Impact Assessment and accompanying Tree Constraints and Protection Plans set out the following detailed proposals:
- removal/partial removal of 13 tree/tree groups (G67, T72, T76, T77, T80, T81, T94, T95, T96, T97, T102, T103)
 - pruning of 6 tree/tree groups (T73, T82, T83, T87, T90, G93)
 - all tree works to be completed before the development begins
 - arboricultural supervision during construction for T70, T73, T82, T87, T90, G93
 - retention (with no pruning) of 18 tree/tree groups
 - planting of at least 8 replacement trees (separate from those in the planting scheme)
- 9.74 The proposals have identified the existing trees to be removed which are mostly rated Grade C, along with three Grade B, and three Grade U trees. No Grade A trees are to be removed. The trees are sited within the crematorium but are growing and leaning over the site boundary. The most important trees on the northern boundary would be retained. There are no objections to the removal of other more low-quality specimens on the site.
- 9.75 There are concerns about potential impacts of the development on the existing canopy and root system of the northern tree belt. The Arboricultural Team have raised concern about the level of pruning set out in the submitted Arboricultural Impact Assessment and the impact on tree health. This is a similar situation to the trees proposed to be removed and/or pruned as approved under the development at the adjoining site immediately to the west (BH2019/01820). As with the proposed tree works on this neighbouring site, this affects a tree belt that is visible from longer distances and trees form an important woodland landscaped avenue inside the historic setting of the crematorium entranceway, and so the amenity level here is high. However, retaining all of the trees and/or replacing them on site would result in significant impact on the site layout, design of development and quality of accommodation provided so a planning balance must be struck, retaining the most important trees and removing/pruning those of less benefit.

- 9.76 The impact on the individual trees would be harmful and replacement planting and maintenance would be required to mitigate the harm. Whilst the impact on the individually identified trees is regrettable it should be seen in the context of the whole tree belt, and which would be subject to a management scheme to the impacted parts. Any works to trees overhanging the site could be carefully managed under supervision and could be covered by a planning condition. A significant number of trees are proposed within the development including along Melbourne Street, and a condition will require an assessment of whether the northern tree belt can accommodate any replacement trees (as per the planning approval at 19-24 Melbourne Street). The harm caused to the tree belt would need to be weighed up against the mitigation within the scheme and the overall benefits of the scheme in reaching a recommendation.

Ecology/Biodiversity:

- 9.77 The existing site buildings (including the one now demolished) has been assessed for bat roost potential and considered to have low levels of activity. The submitted Bat Survey Report recommends a precautionary approach to the demolition of Enterprise Point, and bat mitigation would be required within a Protected Species Method Statement (Biodiversity Method Statement) secured by condition. Artificial light can negatively impact on bats by causing disturbance, affecting feeding and increasing chances of being preyed upon. The County Ecologist has highlighted that the north of the site is dark at night, and so a sensitive lighting strategy to avoid light spill onto the LWS is required by condition. Some of the mature elms on the north boundary have the potential to support roosting bats, and following comment from the County Ecologist, the applicant has submitted a Preliminary Tree Roost Assessment which identified two trees as having moderate roosting potential. A Preliminary Roost Feature Inspection/emergence/re-entry surveys are required by condition to determine presence or absence of bats. A precautionary approach to the removal of the other trees with low roosting potential and associated mitigation measures should be detailed in the Biodiversity Method Statement required by condition.
- 9.78 The County Ecologist has also highlighted that the site and adjacent woodland/LWS have potential to support breeding birds. To avoid disturbance to any nesting birds, demolition or removal of scrub/trees that could have nests should be carried out outside the breeding season or a nesting bird check should be carried out prior to any demolition/clearance works. All bird mitigation should be set out within the Protected Species Method Statement required by condition. This will also require mitigation for other species that may be supported in the adjacent woodland/LWS including dormice, badgers, hedgehog and slow worm.
- 9.79 Conditions are required to ensure protection of trees during construction and a sensitive lighting strategy to avoid light spill onto the LWS. A CEMP is also required by condition to provide mitigation in respect of noise, light and dust pollution during construction.
- 9.80 Policy DM37 states that development should seek to conserve and enhance biodiversity ensuring an additional measurable net gain in biodiversity is achieved, and should incorporate swift boxes and bee bricks where possible. The

submitted Preliminary Ecological Appraisal recommends the use of bird/bat boxes installed on trees or incorporated into building design and landscape planting. Given the loss of 13 tree/tree groups that provide both potential current and future roosting habitat, the County Ecologist recommends that at least 4 general purpose bat boxes are installed. Details of proposals are required by condition as part of an Ecological Design Strategy.

- 9.81 The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.82 In terms of biodiversity net gain, the proposals includes new/replacement trees, various planting types, over 2000m² of external green landscape and gardens split in to 5 different zones, biosolar roofs between 5th-7th floors including green roofs providing chalk/flower rich grassland habitat. The aforementioned proposals for bird/bat boxes will also provide opportunities for further net gain. The landscape strategy proposed indicates that biodiversity net gains are likely to be achieved. Full confirmation for addressing enhancement of the site to provide biodiversity net gain is required as part of an Ecological Design Strategy required by condition.

Impact on Amenity:

- 9.83 Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.84 The site is relatively constrained on most sides due to the proximity of neighbouring properties, and so it is expected that there would be some impact arising with a tall building development on this site. However, a tall building already exists on the site, and if the site was used to its optimum capacity as existing, there would likely be a greater impact on neighbours than the present proposal. Following mitigation in the design of the proposals, including amendments during the application process, the proposals are not considered to cause significantly more harm to neighbours than the existing. From the design development, it is evident that the proposals have carefully considered how the tall buildings respond to their neighbours and mitigation measures such as redistribution of height to more appropriate areas of the site, increasing window distances, consideration of location of balconies and orientation of buildings are all welcome.
- 9.85 The applicants have carried out a daylight/sunlight assessment of neighbouring developments which take account of the impact on neighbouring residents in Shanklin Road, Viaduct Lofts and dwellings in Melbourne Street as well as Gladstone Court, Gladstone Place, Hartington Road and St Martins Primary

School to the south. The assessment has been peer reviewed by the Building Research Establishment (BRE) for the Local Planning Authority.

Shanklin Road:

- 9.86 The existing Enterprise Point building is 6 storeys, and its upper floors currently dominate the outlook of most of the rear of dwellings in Shanklin Road opposite. Currently Nos 11, 13 and 15 do, however, enjoy an uninterrupted outlook from their rear windows between Enterprise Point and Gladstone Court whilst No.17 has a partially obscured outlook. West facing windows in No 29 Shanklin Road at the north end of the terrace currently have no obstructions affecting their outlook to the parking area whilst some units have south west facing windows on the south west splay of the building which face the current building.
- 9.87 No.27 faces onto the current building with a separating distance of 18.5 metres but currently benefits from an indirect outlook to the north west onto the car park aided by the splayed corner of No.29. As previously referred, the proposed six storey heights of Blocks B, C and D are sympathetic to heights of adjacent Shanklin Road properties, remaining below the roofline of these properties in elevation. The building line of block C would align with the building line of the existing building and its height would be set below the existing building. However, proposed block D is closer to Shanklin Road and Block B would sit further north than the existing building. Block C would be approximately 17m from the rear of Shanklin Road properties, and Block D has a separation distance of approximately 15m. As such, there will be a change experienced by residents of Shanklin Road properties as a result of proposed massing.
- 9.88 However, it should be highlighted that the proposed design would reduce the ratio of glazing on the eastern elevation compared with the existing, the height aligns with the existing 6 storeys (and shown to be set lower than existing overall), and no balconies are proposed along the eastern facade directly facing Shanklin Road. Following consultation comments from the Council Urban Design Officer, the applicant has sought to improve the relationship here further with obscured glazing and use of angled windows to reduce overlooking and privacy concerns, and the introduction of a mansard roof to setback and angle the top storey away from the site boundary in order to further reduce any sense of overbearing development.
- 9.89 The flats at no. 29 Shanklin Road are located directly north-east of the site and have been converted from commercial use so the windows appear large which would help rooms within retain daylight. Loss of sunlight would not be an issue here as the majority of the windows on the relevant façade face north of due west, and the southerly windows would not be significantly affected. The results of the submitted sunlight/daylight analysis indicate five ground floor windows (of the 43 analysed) would be below the vertical sky component (VSC). The applicant has highlighted that no. 29 Shanklin Road has windows directly on the site boundary and so a loss of light could be expected. Two rooms (one on the ground floor and one on the third floor) would be below the daylight distribution guideline, and the BRE consider this as a minor impact.

- 9.90 The most impacted properties on Shanklin Road in terms of sunlight/daylight would be nos. 11, 13 and 15 due to the proximity of Block D built between the current gap between the existing Enterprise Point building and Gladstone Court to the south. The BRE review indicates a minor impact to daylight these properties, and loss of sunlight to gardens at 7-27 Shanklin Road would be assessed as negligible.

Viaduct Lofts and Melbourne Street:

- 9.91 Viaduct Lofts is to the west of the development site on the opposite side of Melbourne Street and includes a three storey element to the south and a seven storey block of flats to the north. East facing windows in Viaduct Lofts would be affected by the proposed development due to the proposed development being opposite the 7-storey element of the building. The proposed Block A would be set slightly higher than the existing Enterprise Point building, and more significantly, would be set further forward so that there would be a 14.3m gap between buildings either side of Melbourne Street. During the application, amendments to Block A included removal of 8th storey in the corner of Block A fronting Melbourne Street on both west and south wings, and a further set back of Block A building from Melbourne Street by 0.3m, as well as the introduction of a mansard roofline which provides some relief to the top storey. Residents of facing units of Viaduct Lofts would suffer from some loss of privacy and overbearing impact due to the proximity of the development, however given the prevailing tall building street frontage, including that of the approved development at 19-24 Melbourne Street and Viaduct Lofts itself, it is considered that some impact here would be expected from redevelopment of this allocated site.
- 9.92 The applicant daylight/sunlight assessment on the revised scheme suggests 30 windows of Viaduct Lofts would be below the VSC guidelines and 15 rooms below the daylight distribution guideline. The BRE consider the impact to be slightly improved compared with the application as originally submitted, but the impact on the eastern façade of Viaduct Lofts would still be substantial. However, this has to be viewed within the context of the constraints of the site and its context. Viaduct Lofts is a tall development itself, with windows located right up against the pavement, and although this is different to the situation with 29 Shanklin Road (as there is a road in between sites), the nature of the height and proximity of Viaduct Lofts to the street frontage, along with rooms with in some cases deep single aspect rooms and provision of balconies, means that frontage development of any reasonable height would have some significant impact on the sunlight/daylight of Viaduct Lofts. It should also be acknowledged that the development site is allocated for redevelopment, and if the site was to not include a Melbourne Street frontage building, then this would not make an efficient use of the site, would have a detrimental impact on the quality of accommodation, the viability of the redevelopment, or move the impact elsewhere, onto other neighbours.
- 9.93 The site is located on a narrow street and it is recognised that in a historic street within a higher density urban grain, privacy expectations are lowered and achieving greater separating distances is not practical. In terms of privacy and overlooking, the relationship of facing dwellings will not be dissimilar to those on the same street around the corner to the south where the terraced houses in

Melbourne Street face each other. It is considered that the separation distances are not dissimilar to the surrounding area given the sites urban context, and in some case better than the distance between Viaduct Lofts and the approved Phase I development. Overall, given the constraints of the site, and the benefits of the scheme in terms of making beneficial use of the site and the wider development area, it is considered the sunlight/daylight impact on Viaduct Lofts would not sufficiently justify a reason for refusal in the planning balance.

- 9.94 No 10 Melbourne Street to the south is separated from the development site by the school playground with its side elevation facing north with no windows. The sunlight/daylight assessment suggests there would be a minor impact to daylight at 10 Melbourne Street to the south of the site (with one window below the VSC), and at other properties on the street the guidelines would be met.

St Martins Primary School and Gladstone Court:

- 9.95 The existing Enterprise Point building as a commercial building, with large windows which overlook the school at present resulting in a perceived and actual loss of privacy. The proposals have been designed with consideration of placement of buildings, windows and balconies to minimise harmful views towards the school, and given the existing arrangement, the proposed impact here is not considered significant. The school buildings are set well back from its north boundary and given the current height of buildings on the application site and relationship to the boundary, daylight issues would be very limited by the site's redevelopment, and the impact is assessed by the BRE as minor. Concerns have been raised during public consultation by residents regarding construction works and the impact of dust, noise and traffic on the use of the school and the playground in particular. The applicant has submitted an outline document of consideration of these issues with a review of construction and demolition with the school playground. A CEMP (Construction Environmental Management Plan) is required by condition to ensure disruption is minimised as much as possible during construction of the development.
- 9.96 Gladstone Court is directly to the south of the eastern portion of the development site. It is orientated east-west with only minor windows on its north end thus it was anticipated that significant daylight issues would not arise from the redevelopment of this site. The BRE consider the impact to be minor to one bedroom window and a moderate impact to 2 no. kitchen windows, which is not considered so significant an impact as to warrant refusal of the application.

Gladstone Place and Hartington Road:

- 9.97 The sunlight/daylight assessment indicates that properties analysed at Hartington Road further to the south would meet the BRE guidelines. Gladstone Place is located to the north further away from the development site than other impacted neighbouring properties, with nos. 10 to 26 (evens) analysed suggesting a minor daylight impact is deemed likely.

Noise Impact:

9.98 The co-living rented units would be managed on site so that amenity issues could be addressed immediately under a management plan with sanctions for anti-social behaviour. Thus, more noise control would be possible in the proposed development than from any other buildings nearby, and in a similar situation to that of the approved Phase I development. Concerns about potential noise issues have been raised, and it is considered that the management of amenity areas would be controlled by condition. The provision of formal loading facilities would also improve the congestion and unauthorised parking in the street which can sometimes be a catalyst for noise and disturbance. During construction, a CEMP provided by condition can ensure there is no undue noise or disturbance, or traffic disruption.

Sustainable Transport:

9.99 National and local planning policies seek to promote use of sustainable modes above use of the private car. Policy CP9 directs significant development into sustainable corridors such the DA3 Lewes Road strategic location. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102).

9.100 Melbourne Street is characterised by being a narrow one-way street in a horseshoe shape with an entrance and exit onto the A270 Lewes Road which forms part of the local strategic road network. Melbourne Street provides direct access to the existing Enterprise Point site and other residential and commercial uses and St Martin's Church of England School. The road is in a Controlled Parking Zone with a mix of double yellow lines, resident permit and short stay pay and display parking. The site is located near to Lewes Road which is a key transport route into the city and benefits from ample bus services with a bus stop at the end of Melbourne Street, and direct access into the city centre, and train services. The site falls within an area where parking restrictions are in place. The existing site includes a car park, and suffers from poor pedestrian environment particularly around the northern section of Melbourne Street.

9.101 A Construction Environmental Management Plan (CEMP)/Demolition Environmental Management Plan (DEMP) is recommended to be conditioned. This would seek to address concerns about safety, amenity, noise and traffic during construction.

Site Access:

9.102 The proposed development has a pedestrian- and cycle-only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space. The proposal includes the widening of the eastern footway on Melbourne Street to provide space for an inset loading bay. The development proposes an undercroft car park with a new access into the car park provided from Melbourne Street. The LHA has accepted the additional swept path analysis provided by the applicant in response to consultation comments.

Servicing/Deliveries:

- 9.103 The applicant proposes to widen the footway on Melbourne Street and provide an inset loading bay which would accommodate delivery trips generated by the proposed development and refuse/recycling collections. Access management measures including communal post rooms provided at the entrance lobbies are in proposed to consolidate delivery trips where possible. A Delivery and Servicing Management Plan (to manage and monitor deliveries generated by the co-living and co-working uses effectively and efficiently) and details of inset loading bay, as well as proposed Melbourne Street improvements, are required by condition/s106.

Vehicle Parking

- 9.104 The applicant proposes that residents shall not be permitted to apply for permits or visitor permits, and the terms of the tenancy will prohibit this, with residents to advise visitors of the car-free nature of the site and encourage alternative modes of travel. However, the terms of the tenancy cannot be controlled under the planning application, and so the site still has the potential to result in overspill parking onto surrounding residential roads. The site is located in a Controlled Parking Zone (Zone V) which will mean demand for parking is already managed, and double yellow lines restricting parking on surrounding streets. The site is also in a sustainable location and as such occupiers would not be solely reliant on car travel to meet their day-to-day needs. If necessary, parking permits for residents of this development could be restricted through processes separate to planning. The comments from National Highways are noted, which requested a condition restricting parking permits to occupiers. As the issuing of permits is beyond the remit of the Local Planning Authority, the informative advising the applicant that the Local Highway Authority may restrict permits to residents is attached.
- 9.105 Further, measures in the Travel Plan including the use of the car club cars and bays to be secured by condition would also further increase travel by sustainable modes. The BTN Bikeshare hub with 10 bicycles would be secured through S106 agreement.
- 9.106 The site is located within a Controlled Parking Zone and this proposed development is intended to be car-free. However, there would still be the potential for visitors to the development to create demand for nearby on-street parking and residential parking bays. The submitted parking surveys show there is limited but enough spare capacity locally to accommodate the demand from the residential visitors, and identifies that 40 to 41 unrestricted parking spaces are available during daytime periods within 500m distance from site. In addition to this, between 36 and 37 pay and display (maximum of 4 hours) parking spaces are also available during daytime hours.
- 9.107 The very nature of the co-living and co-working concept reduces the need to travel and is more sustainable than a typical flatted development. Amenities proposed within the scheme such as gym, and laundry areas (as well as the café approved

within Phase I of the wider site scheme) would further reduce the need to travel outside of the development which would assist in creating and maintaining a sustainable neighbourhood in accordance with Policy SA6 'Sustainable Neighbourhoods' of the City Plan Part One. More so, the site is also located within a very short walking distance from a range of established local facilities and services on the Lewes Road. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.

- 9.108 A total of 15 parking spaces are proposed at ground floor level comprising 8 no. disabled parking bays, 4 no. electric car club bays and 3 no. allocated parking bays (which are subject to legal covenant and retained for existing use). The parking provision and layout is considered acceptable.
- 9.109 SPD14 advises that at least 10% of the car parking provision should have electric charging facilities, whilst at least a further 10% should have 'passive provision' allowing for their easy future conversion. Four car club bays (with electric cars) and active electric vehicle charging provision (EVCP) for all four are proposed for the proposed development. Provisions for electric charging provision for scooters/e-bikes are required by condition.

Cycle Parking:

- 9.110 The proposals do not incorporate a segregated cycle lane within the site, however the site layout provides an improved pedestrian and cyclist friendly environment to that of earlier applications and pre-application versions. The proposed cycle storage would be at ground level and easily accessed via the central courtyard, which would prioritise and promote active travel.
- 9.111 There are two cycle stores proposed at ground level within the application site: one at the south-eastern corner of the site, accessed from the courtyard and one at the north-eastern corner of the site access from the car park. The applicant proposes a total of 280 cycle parking spaces, mostly of which are proposed to be provided within the onsite communal cycle parking store. As part of design amendments to the scheme, the applicant also proposed an additional 24 additional short-term spaces within the ground floor external area for visitors and co-workers, using Sheffield Stands. Whilst the proposal exceeds the policy compliant cycle parking quantum, the quality of cycle parking type is not considered fully accessible for all (over reliance on two-tier stands), and therefore further details of design are required by condition to ensure appropriate level of provision of Sheffield stands for larger bicycles (recumbent bicycles and cargo bikes).
- 9.112 Further to pre-application advice by the Local Highway Authority, it was agreed that a provision (10 spaces/bikes) short-stay cycle parking provision could be provided in the form of the BTN Bike Share docking station and the remaining could be delivered in the form of Sheffield stands (i.e. 5 in the on-site public realm). Further details are required by condition and secured within the s106. Electric charging and parking provision for bicycles (of different sizes), scooters and electric bikes is also required by condition.

Trip Generation:

- 9.113 The applicant provided multimodal trip generation information within the submitted Transport Statement. The existing trip generation sets out that the existing site when operational the site generated 109 trips, 85 trips and 884 trips in the morning, evening and across the day respectively. Further to additional information provided, the net change trip generation suggests the proposed development would result in 50 and 31 additional trips in the AM and PM peak hours respectively, with the majority of these trips expected to be on foot, train or bus. The Local Highway Authority expects that some of these trips would be by car (given the Blue Badge and Car Club spaces proposed), however as the on-site parking provision is low, the number of trips is expected to be negligible. The forecast increase in trips during the AM and PM peak hours is expected to have a non-material impact. Furthermore, the applicant has clarified that the trip generation is expected to be less for the proposed development, given that there is expected to be internalised trips between the proposed co-living/coworking uses.
- 9.114 Overall, it is considered that the proposed development would not have a material impact on the surrounding highway network. The impact on air quality is addressed separately within this report.

Sustainability:

- 9.115 City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The applicant has submitted a Sustainability and Energy report and other related information.
- 9.116 The submitted Design & Access Statement sets out a site-wide renewable heat and energy strategy including a considerable solar PV array on the roofs of all proposed blocks, and air-sourced heat pumps for heating and hot water. The Design and Access Statement refers to Building Management Systems to be incorporated to monitor energy and water usage, and information and that facilities will be in place to encourage residents and workers to reduce their energy and water consumption. The Council Urban Design Officer considers the compact and simple form of the proposed buildings would generate a low heat-loss form factor, reducing potential CO₂ emissions by improving heat retention. It is noted that there is a low ratio of north-facing studio rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced. The Urban Design Officer has highlighted that the buildings would be insulated with optimised glazing/wall ratio (balancing between daylight and heat loss), and that insulation is proposed on the outside of structural elements, which is supported.
- 9.117 Water standards shall be secured by condition to addresses policy CP8 requirements. A further condition is proposed to secure a BREEAM rating for the non-residential element of the scheme.

Other Considerations:

Air Quality:

9.118 The site is not located in an Air Quality Management Area (AQMA), however the AQMA is located nearby to the west on Melbourne Street and along Lewes Road. Section 3.4 of the submitted Air Quality Assessment states that a detailed assessment on operational impacts is not required on the basis vehicle trips generated by the proposed development will be low, and the proposal will result in a reduction of vehicle trips on the network (when compared with the existing office site), as set out in the trip generation of the submitted Transport Assessment. The proposed development is proposed to be 'car-free', with the exception of Blue Badge parking and car club cars, so it is expected that vehicular traffic trips generated by this development is to be relatively low. The proposed development is therefore considered not to add sufficient traffic to warrant a detailed air quality assessment. On the grounds of air quality there is no objection to the proposals.

Archaeology:

9.119 The applicant has submitted a desk-base archaeological assessment that indicates that given the historical construction on the site, the potential of the site to contain in-situ below ground archaeological is low. The County Archaeologist broadly agrees with the assessment, however, has highlighted that the assessment also identifies some potential for deposits of at least local significance to be exposed/disturbed. Therefore, it is recommended that the proposed construction works be subject to a programme of archaeological works which would be secured by condition.

Sustainable Drainage/Flood risk:

9.120 The submission sets out an outline SUDs strategy that has the potential to be well integrated with the landscape proposals, including green and blue roofs and rain gardens. The intention to integrate the drainage strategy with the landscape proposals are a welcome part of a landscape-led approach. Full details of the surface water drainage strategy are required to ensure SUDS features are key components.

9.121 The site is understood to be situated immediately adjacent to surface water flow paths along Melbourne Street, and parts of the site itself are at low risk of surface water flooding. The Council Flood Risk Officer has stated that the site is not considered at significant risk from any other sources of flooding. Recommended conditions can adequately deal with any future flood risks in accordance with development plan policies. The applicant should obtain approval from Southern Water for connection and discharge to the foul water network.

Land Contamination:

- 9.122 The previous use of the site, as former railway land and adjacent to a number of former industrial activities, is deemed by the Environment Agency to present a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system.

The applicant has submitted a desk study detailing the historic uses and a preliminary site conceptual model regarding the risk from contamination at the site. The desk study recommends a detailed geoenvironmental site investigation. The Council Environmental Health Team recommend a condition for site investigation, a method statement for risk/remediation and unforeseen contamination and a verification report. Asbestos Containing Materials (ACM) within the building are considered to be a contaminant of concern, and a condition is required to ensure all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

- 9.123 The Environment Agency have recommended conditions for a remediation strategy, verification report and further monitoring to be submitted to ensure the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution. A condition restricting piling and investigation boreholes using penetrative methods only with consent is also recommended.

Waste Management:

- 9.124 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 and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

10. CONCLUSION

- 10.1 Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits
- 10.2 In principle of the redevelopment of the site is welcomed and the integration of the site with that approved at 16-24 Melbourne Street would provide a comprehensive redevelopment of this allocation site. Planning permission has already been granted for a co-living development on an adjacent site at 19-24 Melbourne Street and the principle of an integrated scheme is supported.
- 10.3 The redundancy of the existing Enterprise Point building has been previously accepted, and regeneration of the site welcomed. The level of employment floorspace proposed is satisfactory as a response to the policy requirement in CP3 subject to their views. The proposed development of the site would

contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3 and there is therefore no objection in principle to some co-living accommodation on the site. The studio rooms would be smaller than floorspace of an acceptable standard for self-contained studio unit. However these rooms are not intended to be self-contained, and as well as private studio rooms future residents would have access to communal cooking and lounge facilities, coworking space, gym, outdoor amenity spaces, and other facilities including those within the wider development under other phases. The proposed co-living scheme would provide a different form of housing for the city and the proposed scheme would increase the variety of accommodation available citywide.

- 10.4 It was established during the determination of BH2019/01820 that sui generis co-living accommodation can be counted towards the city's housing target. The proposed development of the site would therefore contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3. A commuted payment of £2.5 million has been proposed towards affordable housing in the city. Whilst a one-off affordable housing provision is not the expected outcome for sites allocated for mixed use development, it is considered acceptable in this instance given the nature of this development.
- 10.5 Following amendments to the scheme, it is considered that the harm to the setting of the listed buildings has been overcome, and only a minor impact remains to a stand-alone viewpoint from within the Round Hill Conservation Area. It is considered that the contemporary design and appearance of the proposed development is of a good quality and would help lift the architectural quality of this Melbourne Street location. In this respect the proposals would comply with policy CP12 of CPP1.
- 10.6 The proposed development would result in some impact to neighbouring residents in terms of proximity of development to the site boundaries which would result in heightened overlooking and overshadowing. Amendments to the scheme have been sought to relieve impact towards Shanklin Road in terms of further restricting outlook to reduce loss of privacy. Despite amendments to the scheme, some units to Viaduct Lofts would suffer from significant loss of sunlight/daylight, however given the constraints of the site, and the considered overall beneficial use of the site within the development, it is considered this would not sufficiently justify a reason for refusal in the planning balance.
- 10.7 The site is well-located near to day-to-day amenities and regular public transport into Brighton city centre. The proposals for a low-car scheme is supported by its site location. The proposed development would provide a Travel Plan which will offer a number of measures to reduce reliance on the private car. From a sustainability perspective, a car free development has been welcomed.
- 10.8 The impact on some trees is regrettable but in the context of the wider tree belt would be less than substantial and would be mitigated by replacement tree planting.

- 10.9 Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 10.10 It is considered therefore that, on balance, the benefits of the regeneration of this allocated site would outweigh those elements which are considered to be harmful to greater or lesser degrees and thus the proposal is recommended for approval.
- 10.11 Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

11. EQUALITIES

- 11.1 The proposal includes accessible units which results in 10% of studio rooms being accessible for persons with disabilities. The co-working space is all located at ground floor level. A total of 8 no. disabled parking spaces are proposed at ground floor level. The applicant proposes a pedestrian and cycle only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1 The proposed development would result in new development being constructed to modern standards with a requirement to meet sustainability standards for water and energy efficiency. The design and site layout enables a low ratio of north-facing studio rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced. Co-location of living and working accommodation would be a benefit from a sustainable perspective. The proposed development would include green roofs, bee bricks and bird boxes secured by condition, and a condition to enhance the nature conservation interest of the site will all benefit biodiversity in the city.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1 Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

14. S106 AGREEMENT

- 14.1 In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
5. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.