

<u>No:</u>	BH2022/03892	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Moulsecoomb Place Lewes Road Brighton BN2 4GA		
<u>Proposal:</u>	<p>Demolition of existing student accommodation and replacement with 4 student accommodation buildings with total of 566 student beds (Building A (15 storeys)), (Building B (11 storeys)), (Building C (4 storeys)) and (Building D (part 5/part 9 storeys)) (Sui generic use) with associated ancillary use consisting of student gymnasium/ well-being studio, separate 100 sqm (GIA) flexible community space (Class F2 (b)) and 87 sqm (GIA) commercial floorspace (Class E), with associated disabled and cycle parking, public realm and landscaping improvements within the site and adjacent public highway, and proposed minor demolitions/ alterations, repair, extension (including single storey extension to link the Manor House and Tithe Barn and accessible lift to northern side of Tithe Barn). Use of the listed Manor House and Tithe Barn for retention of Moulsecoomb Social Club (Sui generic), and creation of hub use incorporating mix of public house (Sui generic), restaurant and events space (Class E), 10no guest bedrooms (Class C1), car parking and associated alterations to hard and soft landscaping.</p>		
<u>Officer:</u>	Mick Anson, Tel: 292354	<u>Valid Date:</u>	19.12.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20.03.2023
<u>Listed Building Grade:</u>	II	<u>EOT:</u>	5th May 2023
<u>Agent:</u>	NTR Planning 118 Pall Mall London SW1Y 5EA		
<u>Applicant:</u>	Cathedral (Moulsecoomb) Advisory LLP Moulsecoomb Place Lewes Road Brighton BN2 4GA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **26th 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:

1. The Developer covenants with the Council to commission and install on the property an Artistic Component to the value of £82,608 including installation costs prior to first occupation of the development

2. S.278 Works to provide service bays; accessible parking bays and public realm improvements
3. Permissive Path Agreement
4. Accessible Footpath within site to be provided prior to occupation of Purpose Built Student Accommodation
5. Phasing requiring Listed Building works to be completed before Purpose Built Student Accommodation is occupied
6. Ecology monitoring fees

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
Existing Site Plan	0418-SEW-ZZ-ZZ-DR-A-000001	P01	19.12.2022
Demolition Site Plan	0418-SEW-SB-ZZ-DR-A-000002	P01	19.12.2022
Site Location Plan	0418-SEW-ZZ-ZZ-DR-A-000006	P01	19.12.2022
Existing Site Sections	0418-SEW-SB-ZZ-DR-A-000200	P01	19.12.2022
Existing Site & Context Elevations	0418-SEW-SB-ZZ-DR-A-000300	P01	19.12.2022
Proposed Site Plan	0418-SEW-ZZ-ZZ-DR-A-001000	PO2	17.03.2023
Proposed Site Plan	0418-SEW-ZZ-ZZ-DR-A-001001	PO2	17.03.2023
GA Plan - Park Level (Level -01)	0418-SEW-SB-B1-DR-A-001100	PO2	17.03.2023
GA Plan - Ground Floor Level (Level 00)	0418-SEW-SB-00-DR-A-001101	PO2	17.03.2023
GA Plan - Upper Ground Floor Level (Level 01)	0418-SEW-SB-01-DR-A-001102	PO2	17.03.2023
GA Plan - Level 02 (Lower Typical Floor)	0418-SEW-SB-02-DR-A-001103	PO2	17.03.2023
GA Plan - Level 03	0418-SEW-SB-03-DR-A-001104	PO2	17.03.2023
GA Plan - Level 04 (Upper Typical Floor)	0418-SEW-SB-04-DR-A-001105	PO2	17.03.2023
GA Plan - Level 05	0418-SEW-SB-05-DR-A-001106	PO2	17.03.2023
GA Plan - Level 06	0418-SEW-SB-06-DR-A-001107	PO2	17.03.2023

GA Plan - Level 07	0418-SEW-SB-07-DR-A-001108	PO2	17.03.2023
GA Plan - Level 08	0418-SEW-SB-08-DR-A-001109	PO2	17.03.2023
GA Plan - Level 09	0418-SEW-SB-09-DR-A-001110	PO2	17.03.2023
GA Plan - Level 10	0418-SEW-SB-10-DR-A-001111	PO2	17.03.2023
GA Plan - Level 11	0418-SEW-SB-11-DR-A-001112	PO2	17.03.2023
GA Plan - Level 12	0418-SEW-SB-12-DR-A-001113	PO2	17.03.2023
GA Plan - Level 13	0418-SEW-SB-13-DR-A-001114	PO2	17.03.2023
GA Plan - Level 14	0418-SEW-SB-14-DR-A-001115	PO2	17.03.2023
GA Plan - Level 15	0418-SEW-SB-15-DR-A-001116	PO2	17.03.2023
GA Plan - Level 16 (Roof Plan)	0418-SEW-SB-16-DR-A-001117	PO2	17.03.2023
GA Sections - Sheet 1 of 2	0418-SEW-SB-ZZ-DR-A-001200	PO1	19.12.2022
GA Sections - Sheet 2 of 2	0418-SEW-SB-ZZ-DR-A-001201	PO1	19.12.2022
Block A - GA Elevations	0418-SEW-SB-ZZ-DR-A-001301	P02	17.03.2023
Block B - GA Elevations	0418-SEW-SB-ZZ-DR-A-001302	P02	17.03.2023
Block C- GA Elevations	0418-SEW-SB-ZZ-DR-A-001303	P02	17.03.2023
Block D - GA Elevations	0418-SEW-SB-ZZ-DR-A-001304	P02	17.03.2023
Sitewide - West and Internal East Elevations	0418-SEW-SB-ZZ-DR-A-001305	P02	17.03.2023
Sitewide - South and Internal West Elevations	0418-SEW-SB-ZZ-DR-A-001306	P02	17.03.2023
Proposed Site & Context Elevations	0418-SEW-SB-ZZ-DR-A-001307	PO1	17.03.2023
Delivery Parcels Pan	0418-SEW-ZZ-ZZ-DR-A-000005	PO1	16.03.2023
Proposed Landscape Plan – Whole Site	0418-SEW-ZZ-00-DR-L-001100	PO2	21.03.2023
Proposed Detail Plan – North	0418-SEW-ZZ-00-DR-L-001101	PO2	21.03.2023
Proposed Detail Plan – South	0418-SEW-ZZ-00-DR-L-001102	PO2	21.03.2023

Landscape Site Sections	0418-SEW-ZZ-00-DR-L-002100	PO1	19.12.2022
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2. No works pursuant to this permission shall commence on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
 - b) Listed Buildings Site Parcel
 - c) Highways Site Parcel
 - d) Lift Site Parcel
 - e) Access Ramp Site Parcel
- until there has been submitted to and approved in writing by the local planning authority:
- (i) 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,
 - (ii) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
3. The development of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
 - b) Listed Buildings Site Parcel
 - c) Highways Site Parcel
 - d) Lift Site Parcel
 - e) Access Ramp Site Parcel
- 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 (i) that any remediation scheme required and approved under the provisions of condition 1 (ii) 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 policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.
4. 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, and SU11 of the Brighton & Hove Local Plan.

5. No development, including demolition, of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). The document shall include:

- (i) The phases of the Proposed Development including demolition phase and the forecasted completion date(s);
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
- (iii) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- (v) details of hours of construction including all associated vehicular movements and adequate on-site parking provision for all construction staff vehicles
- (vi) a plan showing construction traffic routes and haul routes
- (vii) details of any site entrances and their management, construction compound and offices
- (viii) details of any oversailing of the highway construction, falsework, formwork and scaffolding
- (ix) details of the use of any cranes, lifts, escalators and lifting equipment's.
- (x) details of any Department for Transport Abnormal Load Notification and/or Order

The construction shall be carried out in accordance with the approved Demolition and Construction Environmental Management Plan.

Reason: In the interests of amenity and road safety and to comply with policies CP1, CP2, CP3, CP7, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One and policies DM20, DM33 and DM40 of the Brighton and Hove City Plan Part 2.

6. No development shall take place above level B1 (as indicated on the hereby approved drawings) of the Purpose Built Student Accommodation Site Parcel (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
 until large scale 1:50 elevations showing details and sections of typical window and entrance reveals and openings to the new student blocks have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

7. No development shall take place, including demolition works, until details of how all existing flint walls that are to be retained in situ, as shown on drawing 0418-SEW-SB-ZZ-DR-A-000002 will be protected during demolition and construction works and retained thereafter.
Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

8. No development shall take place of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
 - a) Purpose Built Student Accommodation
 - b) Listed Buildings Site Parcel
 - d) Lift Site Parcel
 - e) Access Ramp Site Parcel
 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.
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.

9. No development shall take place (including demolition and all preparatory work), until a detailed Tree Protection Plan for all retained trees and an Arboricultural Method Statement (AMS) incorporating a Construction Method Statement for all groundwork within designated Root Protection Areas 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 policies 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.

10. No development shall take place of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including an Ecological Lighting Strategy, provision of 5 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 ecological 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, eg. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) suitably qualified 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

11. No development shall take place (including any demolition, ground works, site clearance) of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

until a method statement for protected species (bats, badgers, amphibians, reptiles, breeding birds, hedgehogs) and invasive plant species 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.

12. No development shall take place (including demolition, ground works, vegetation clearance) of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- i) risk assessment of potentially damaging construction activities;
- ii) identification of “biodiversity protection zones”;
- iii) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv) the location and timing of sensitive works to avoid harm to biodiversity features;
- v) the times during construction when specialist ecologists need to be present on site to oversee works;
- vi) responsible persons and lines of communication;
- vii) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- viii) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

13. No development shall take place of the Access Ramp Site Parcel (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1 hereby approved), until further details of the pedestrian access ramp on the site are submitted to and approved in writing by the Local Planning Authority, to demonstrate that the proposed routes are full accessible and step free. This further information should include:

- a) Stopping points
- b) Railings where required
- c) Benches
- d) A scheme for lighting and

e) Signage directing residents and users of the site to public transport and cycle hubs. The approved details shall thereafter be implemented in full.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2.

14. No development shall take place of the development hereby approved, until infiltration survey results confirming suitability of the ground for infiltration, a complete assessment of water contamination risk and mitigation potential of proposed Sustainable Urban Drainage measures, with reference to the CIRIA SuDS Manual (or better), including a maintenance schedule, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the development, and maintained throughout the use of the development, in accordance with the maintenance schedule.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

15. No development shall take place of the development hereby approved until construction drawings for all components of the drainage system have been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in full.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding by ensuring the provision of satisfactory drainage systems and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

16. No development shall take place until a drainage strategy detailing the proposed means of foul water disposal to include peak discharge rates, CCTV survey results and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. Evidence of Southern Water approval should also be provided. 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.

17. Notwithstanding any details shown on the approved plans, of each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ- DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

no development above Level B1 of parcel a) Purpose Built Student Accommodation (as indicated on the hereby approved drawings) nor commencement of any part of parcels b) to e) of the development hereby permitted shall take place until details 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):

- i) Samples/details of all brick and tiling
- ii) samples of all cladding to be used, including details of their treatment to protect against weathering
- iii) samples/details of all hard surfacing materials
- iv) samples/details of the proposed window, door and balcony treatments
- v) 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 and DM21 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.

18. Prior to installation of new or replacement flintwork hereby approved on any of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

a sample panel of flintwork shall be constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

19. No development shall take place of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until a soundproofing scheme shall be submitted to and approved in writing to the Local Planning Authority to protect the amenity of occupants of student and hotel guest accommodation. Where there are mixed uses between floors, there shall be an enhanced level of sound insulation. For the avoidance of doubt, for new build premises, this shall be a vertical airborne sound insulation value of 5dB above Building Regulations Approved Document E (resistance to the passage of sound). For the Listed Buildings on site, reasonable endeavours shall be undertaken to achieve a vertical airborne sound insulation value of 5dB above Building Regulations Approved Document E for the conversion of premises s whilst ensuring that no harmful impact would result to the heritage features of this listed building.

Enhanced sound proofing shall also be applied for circumstances where residential accommodation is placed above plant rooms. The approved scheme shall thereafter be implemented in full prior to occupation of the development, and as such maintained thereafter.

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.

20. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Noise 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 the existing LA90 background noise level. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such. The Rating Level and existing background noise level are to be determined as per the guidance provided in BS 4142:2014 (or as updated).

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.

21. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- b) Listed Buildings Site Parcel

until a Noise Management Plan has been provided in writing to the local planning authority for approval to detail what soundproofing measures will be in place to ensure that commercial noise from the pub in the Manor house, including music and patron noise, is contained within the premises, and from external areas. The approved Scheme shall thereafter be implemented in full.

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

22. No development shall take place on each of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

until an acoustic report shall be provided to detail the predicted external sound pressure levels for the student accommodation and converted habitable space at the Manor house. The report shall provide details of the required Sound Reduction Index (SRI) for each façade and how this is capable of being achieved in terms of glazing and/or ventilation to achieve table 4 values in BS8233:2014 to demonstrate the worst-case façade elements for each new block (ie. A-D) and converted space(s).

The acoustic report shall also detail where windows may be opened for overheating purposes. If thermal comfort is not capable of being achieved, a strategy shall be provided to detail what measures are needed to prevent overheating and be linked back to any thermal modelling approach or overheating assessment submitted as part of the application. The approved details shall thereafter be implemented in full prior to the occupation of the development.

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

23. Notwithstanding the drawings hereby approved, no development above Level B1 of parcel a) Purpose Built Student Accommodation (as indicated on the hereby approved drawings) shall take place until further design details of the wind baffles, to confirm their required frequency and depth of projection to address wind mitigation, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the development and maintained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

24. The Tithe Barn shall not be occupied until full details of its lift, to include hours of operation and maintenance, have been submitted and approved in writing by the local planning authority. The lift shall thereafter be operated in full accordance with the approved details.

Reason: To ensure the development provides for the needs of disabled staff, occupiers and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2.

25. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

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 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 condition.

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.

26. No part of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- b) Listed Buildings Site Parcel

shall be occupied until a scheme has been submitted in writing to the Local Planning Authority for approval with details of how the history of the buildings and whole site will be displayed and interpreted through on-site and/or digital means. The approved details shall be implemented in full prior to the occupation of the development and maintained as such.

Reason: To ensure that the significance and historical value of these buildings can be appreciated by the wider community and to comply with policy DM27 of the City Plan Part Two.

27. The Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1): hereby approved, shall not be occupied until the accommodation 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.

28. No development above Level B of parcel a) Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1), shall take place until details of the photovoltaic array and heat pump plant rooms to include their layout on the roof tops shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details and maintained as such.

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.

29. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall be brought into use until an external lighting design strategy has been submitted to and approved in writing by the local planning authority.

The strategy shall:

- i) 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
- ii) show how and where external lighting will be installed and operated (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. This will include the recommendations above with regards to lighting along the Secondary

Entrance and protecting the dark corridor along the north and north-east parts of the site.

- iii) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

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. No additional external lighting should be installed without the agreement in writing of the local 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.

30.

- a) No development above Level B of parcel a) Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1), shall take place until details of Swift bricks to be incorporated in accordance with the Special Guidance A: Swift Boxes and Bricks for New Developments for major developments have been submitted to the Local Planning Authority for approval in writing. Details shall include an Installation Plan detailing the type, number, location and timescale for implementation of the 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.
- b) The applicant must submit to and have approved in writing by the local planning authority details of the completed installation prior to occupation of the building.

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.

31. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- e) Access Ramp Site Parcel

shall be occupied until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that might influence management;
- iii) aims and objectives of management;

- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions for management actions, together with a plan of management compartments;
- vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii) details of the body or organisation responsible for implementation of the plan;
- viii) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

32. Prior to first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) hereby permitted, a 5 year travel plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for funding, monitoring, review, amendment and effective enforcement. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

33. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel

shall be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of 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.

34. Notwithstanding the plans hereby approved, the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005

Rev PO1) development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. 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.

35. Prior to the first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) development hereby approved, a Move In/ Move Out Strategy, which details how the moving in and out of students at the start and end of the academic year will be co-ordinated and managed shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be implemented thereafter in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policy CP21 of the City Plan Part One and policies DM20 and DM33 of the Brighton and Hove City Plan Part Two.

36. No phase of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel
- c) Highways Site Parcel
- d) Lift Site Parcel
- e) Access Ramp Site Parcel

shall be occupied or brought into use until details of a Wayfinding scheme for the site and its connections to on site uses, public transport, the University of Brighton campus and other key destinations have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the development and maintained as such.

Reason: To improve wayfinding legibility into the site and to comply with policy DM18 of the Brighton and Hove City Plan Part Two and Supplementary Planning Document 17: Urban Design Framework.

37. The vehicle parking area(s) shown on the approved plans in respect of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ- DR-A-000005 Rev PO1) shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

- a) Purpose Built Student Accommodation
- b) Listed Buildings Site Parcel

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

38. Within 6 months of first occupation of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
- a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the accommodation 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.
39. Within 6 months of first occupation of the following parcel of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- b) Listed Buildings Site Parcel
- a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development has achieved a minimum BREEAM rating of 'Very Good' with reasonable endeavours to achieve a 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.
40. Within 6 months of first occupation or use of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):
- a) Purpose Built Student Accommodation
 - b) Listed Buildings Site Parcel
 - c) Highways Site Parcel
 - d) Lift Site Parcel
 - e) Access Ramp Site Parcel
- a Completion report, to include predicted and actual performance against all numerical targets on embodied carbon emissions across the lifecycle of the development, to include an updated Bill of Materials shall have been submitted to and approved in writing by the local planning authority.
- Reason:** To ensure that the development is sustainable and makes efficient use of materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
41. No works to the Manor House shall take place to the windows until full details of all new and replacement windows, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.
- The development hereby permitted shall not be commenced until samples of the materials to be used in the construction of the Manor Yard roof hereby

permitted have been submitted to and Development shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

42. The casement windows to the south elevation of the Manor House and the sliding sash windows to the south elevation of the Manor House's rear wing shall be retained in situ and single glazed unless otherwise agreed in writing by the Local Planning Authority upon submission of 1:1 scale section details of the existing windows and of any proposed upgraded or replacement windows.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies DM27 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.
43. The mitigation measures set out in the Wind comfort assessment prepared by RWDI submitted on 19th December 2022 shall be implemented prior to first occupation of the development and retained as such permanently thereafter.
Reason: To ensure the comfort, safety and amenity of the locality and to comply with policy DM20 of Brighton & Hove City Plan Part 2.
44. The trees and pergolas as shown in the Wind comfort assessment prepared by RWDI submitted on 19th December 2022 shall be installed and retained as such permanently thereafter.
Reason: To ensure the comfort, safety and amenity of the locality and to comply with policy DM20 of Brighton & Hove City Plan Part 2.
45. The restaurant/event space and pub hereby permitted within the Manor House and Tithe Barn shall not operate except between the hours of 07:00 and 23:00 on Sundays to Thursdays and from 07:00 to 00:30 on Fridays and Saturdays, with the last customer entry no later than 23:30.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
46. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to full occupation of the development and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
47. Prior to the first occupation of the Purpose Built Student Housing (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1) (except for emergency lighting) all corridors and stairwells together with communal kitchen/lounge/diners shall be fitted with Passive Infrared Sensor (PIR) lighting with timers. Details of the specification, location and times of operation shall be submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented in full prior to the occupation of the development and maintained as such throughout its operation.

Reason: In order to minimise the impact of lighting from within the buildings on the setting of the National Park which has dark sky status, to protect and enhance habitat and biodiversity interests and in the interests of energy efficiency and to comply with policies CP8 and CP12 of Brighton and Hove City Plan Part 1 and DM37 and DM44 of the Brighton and Hove City Plan Part Two.

48. Prior to first occupation or use of the following parcels of land (as set out on the Delivery Parcels Plan 0418-SEW-ZZ-DR-A-000005 Rev PO1):

a) Purpose Built Student Accommodation

b) Listed Buildings Site Parcel

a Community Use Agreement setting out details of the use of the Block D community room, the Block A café and the Manor House and Tithe Barn facilities and grounds shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall set out a commitment to the following:

a) Management, availability and use of the community room and public access to the cafe

b) Regular community events at the Manor house and Tithe barn property and its the grounds

c) Community activities such as experiences, training, classes and hospitality at reasonable or no cost for local residents to the site.

The approved Agreement shall be implemented in full from the start of the first academic year after the occupation of the development.

Reason: To ensure the provision of appropriate community facilities within the development and to comply with policies DA3, CP17 and CP18 of the Brighton & Hove City Plan Part One and DM9 of the Brighton & Hove City Plan Part 2.

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. '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/> '

3. Once works are due to start on site, an additional request for information and updated maps must be made to Scottish National Power via the online system to ensure the safety of the site and to protect the gas pipes. In the event gas pipes are present on the site there may be restrictions on the work being undertaken.

4. The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV

loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 303 0119), or www.southernwater.co.uk
6. Please note that the development will need to meet the requirements of the Building Regulations 2021 including Part L on carbon emissions and Part O on overheating.
7. Swift bricks/boxes can be placed on any elevation but should 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. You should 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.
8. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
9. The applicant is advised during construction to be aware of local Air Quality Management Areas and seek to ensure that they meet the euro-VI emission standard available since 2014. Non-Road Mobile Machinery (including bulldozers, loaders, and tower cranes) should aim to meet emissions standard IIIB. Form 2025 NRMM should aim to meet emission standard stage IV. Diesel generators and other constant speed engines should aim to meet emissions stage V from 2025.
10. The applicant should be aware that the site is in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements

should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

2. SITE LOCATION

- 2.1. The application site has an area of 2.1 hectares and is located between the Lewes Road (the A270) on its south-east boundary and the railway line between Brighton and Lewes on its north west boundary. The site is bounded by Queensdown School Road (QSR) on its southern and western boundaries as the road wraps around the existing buildings before passing west through a tunnel under the railway line. The railway embankment is screened from the site by a thick belt of trees.
- 2.2. The topography of the site is such that it rises steeply from its east boundary at the Lewes Road valley floor up its west boundary on QSR with an overall rise of 10 metres.
- 2.3. Opposite the site to the south is the University of Brighton Watts campus and specifically, the University's Aldrich library fronting Lewes Road and up the hill of QSR, the Huxley academic building. The library is 5 storeys in height, as is the Huxley building but with deeper floor to ceiling heights. Both buildings have a contemporary design, the latter featuring extensive silver/grey coloured metal cladding with narrow horizontal glazing whilst the library is predominantly glazed with metal frames.
- 2.4. To the north of the site are Moulsecoomb Hall (2 storey) and the single storey library. A 4 storey block of flats is located to the north west which occupies an elevated position on Highbrook Close above the application site but heavily screened by trees. East of the site on the opposite side of the duelled carriage way section of Lewes Road are 2 storey dwellings.
- 2.5. The application site is currently occupied by the University of Brighton as 2 distinct parcels at different levels. The current student halls of residence are on an upper tier with the listed buildings at a lower level. The Manor House is fronted by extensive open grassed amenity lawns and there is car parking on site.
- 2.6. Opposite the railway line to the west and the Watts campus to the south are currently 163 purpose-built student units occupied by University of Brighton students in a low- rise part 2 and 3 storey format built in the 1990's. Access is on the south boundary on QSR.
- 2.7. At the lower level, the Listed Manor House dating from 1790 are occupied by the University as administrative and support services. It comprises 2 storey plus accommodation in the roof. The back of the Manor House is occupied by a social club and bar separately accessed.
- 2.8. To the rear is the Tithe Barn, also Listed, dating from 18th century timber framed barn attached to a 19th century barn. This was occupied by the

University nursery but closed in 2021 and has a handful of university administrative staff in occupation of the top floor.

- 2.9. To the rear of the listed buildings are a small courtyard and garden enclosed by flint walls. The open lawns on the site frontage providing the setting of the Manor House include a significant number of trees, many covered by a group Tree Preservation Order (No.7 1993).
- 2.10. The site includes 36 parking spaces for use by users of the listed buildings whilst QSR has unrestricted on street parking on one side which adjacent to the railway line becomes very informal and unmanaged.

3. RELEVANT HISTORY

- 3.1. **PRE2021/00139** Proposed conversion and reuse of listed Moulsecoomb Place Manor House and Tithe Barn and demolition and new build at the rear for provision of intensified Purpose-Built Student Accommodation (PBSA) use. Advice issued 18th Nov 2021.
- 3.2. Further pre-application submissions of the same description were submitted as follows:
- 3.3. **PRE2021/00160** Advice issued 8th March 2022.
- 3.4. **PRE2022/00050** Advice issued 2nd August 2022.
- 3.5. **PRE2022/00121** Advice issued 25th October 2022.
- 3.6. **PRE2022/00153** Advice issued 14th Nov 2022.
- 3.7. A summary of the design evolution through the pre-application stages is as follows:
 - A more dynamic community offer including the provision of a dedicated community space within the ground floor of PBSA block D, together with community use of the lawns, retention of the social club and potential community benefit afforded by the listed buildings hub use;
 - Initially the proposals formed 4 blocks ranging in height from 6 storeys to 14 storeys. Block C behind the listed Manor House was reduced to 4 storeys and a distinctive gap between Block B and C created to afford more respect to the Manor House profile. Block D was significantly reduced from part 10 and 7 storey to the now proposed part 9 and 4 storey whilst some redistribution of massing led to an additional floor on Block A to 15 storeys. There has been a reduction of circa 35no. student rooms overall.
 - The form of building roof treatment and separation between blocks (A to B and B to C) has been refined to reduce the perceived coalescence between blocks from key views. A greater differentiation in building heights between building A (15 storeys) and B (11 storeys) was developed to reduce coalescence;

- A raked profile to Block C combined with the lower floor to floor heights helped to reduce its visibility behind the listed building from key views along Lewes Road;
- A general reduction in PBSA floor to floor height to reduce overall height and mass for all buildings without compromising the internal floor to ceiling clearance height.
- Refinement and articulation of the form and appearance of the PBSA blocks including sculpting of the form of the buildings with inclusion of chamfers and angled roof profiles and detailed review of the appearance of the facades including materiality, reveals and fenestration;
- Layout footprints and the orientation of the blocks twisted (particularly Block D) to optimise student room window orientation and minimise the number of north facing rooms;
- The quality of student rooms and internal spaces within PBSA blocks was improved to maximise daylight levels; room layouts ergonomically optimised; communal spaces provided within each of the four blocks to encourage the co-living concept; external amenity spaces have also been added;
- An increase in PBSA cluster bedrooms has been incorporated into the scheme to improve affordability of rooms and meet policy requirements;
- The twisting of block D has also enabled the opening up of the Moulsecoomb Lane public space and thoroughfare running through the PBSA site and improving linkage with the University of Brighton thoroughfare opposite;
- Daylight and sunlight performance levels of student rooms have been improved by thorough examination of each window within the blocks;
- With regard to the listed building, a number of improvements including: retention of a greater proportion of the historic flint wall. An appropriate mix of future uses for the listed building (retained social club, and hub use of pub, restaurant, events space and guest rooms), and improved accessibility and interlinkage serving the listed buildings through the inclusion of the single storey link between the Tithe Barn and Manor House and the provision of the new lift at the rear;
- The introduction of a ground source heat pump within the grounds of the listed building was added following consultation.
- Parking serving the listed building has been consolidated and minimised to protect both the wider setting of the listed buildings and to constrain encroachment into designated open space;
- The trees and landscaping strategy to respect the historic curtilage of the listed assets whilst repairing the Moulsecoomb Lawns as a functional amenity asset;
- The landscaping and public realm strategy in response to the Design Review Panel comments has sought to provide more legible connections linking the city and the Downs;
- The biodiversity net gain of the proposals has been improved through the pre-app process culminating in a biodiversity net gain
- The accessibility strategy for the site has been improved in terms of ultimate user benefit focusing on an accessible route through the site.

- 3.8. The applicants also presented their proposals to the Design South East (DSE) panel in January 2022 who issued a report on 8th February 2022. DSE's main points were:
1. Establish robust sustainability principles and adjust the design to reflect them. Continually test the design against these principles and ensure high standards are met.
 2. Develop a 'day in the life' narrative for the residents, staff and visitors, to test legibility and accessibility and further inform the approach to building and landscape design.
 3. Create a landscape strategy that takes into account the buildings but that can stand alone too. More legible connections should be made towards the city and the South Downs, through cycle routes and pedestrian paths.
 4. Allocate a car-free amenity space that would serve as the 'heart' of the development and as a focal point for gatherings.
 5. Present a transition between the suburban and urban context, using different heights for the new buildings that better reflect the character.
 6. Create character areas that will make the development more legible and site specific. The listed buildings should be integrated with the rest of the development, and not stand apart from the new.
- 3.9. **BH2020/01177** Part demolition and rebuilding of flint boundary wall located between Tithe Barn Nursery and Moulsecomb Student Residences with associated repair works. Granted: 29 April 2020
- 3.10. **BH2014/01709** Erection of timber deck area and balustrades to replace existing ramps with new door onto deck replacing existing window and replacement of existing door with new window and erection of flint faced retaining wall. Granted: 4th December 2014
- 3.11. **BH2011/03610** Replacement of existing temporary footpath with new permanent footpath for disabled access. Granted: 19th January 2012
- 3.12. **BH2011/01587** Erection of timber deck area and balustrading to replace existing ramps with new door onto deck replacing existing window and replacement of existing door with new window and erection of flint faced retaining wall. Granted: 9th May 2012
- 3.13. **BH2010/00265** Removal of conservatory and reinstatement of canopy on South East elevation, incorporating maintenance and remodelling of hard standing. Creation of disabled access through French doors. Granted 11th May 2010

4. APPLICATION DESCRIPTION

- 4.1. The proposed scheme comprises the complete redevelopment of the existing student accommodation on the western parcel of the site and the construction of 4 blocks (A-D) of student accommodation containing 566 rooms.

- 4.2. The 4 blocks would each include an ancillary student gymnasium, wellbeing studio and internal communal amenity space.
- 4.3. In addition, Block A would include a public ground floor retail/café (87 sq.m.) opposite the station steps, and Block D would include a separate ground floor community use space (100 sq.m.)
- 4.4. It is also proposed to restore and re-use the listed Manor House and Tithe Barn to include the retention of the Moulsecoomb Social Club in situ, a new integrated hub as a pub and 10 guest bedrooms with integrated restaurant and event/meeting space.
- 4.5. Other ancillary works include the creation of new accessible landscaped pedestrian routes across the front lawns and up to the Tithe Barn via new lift; front lawns to be incorporated as public open space; the partial demolition of a listed wall; the recreation of the walled garden and courtyard; and the re-arrangement of on-site car parking and provision of new servicing and loading on QSR, disabled parking bays and public realm enhancement around station entrance and site access.
- 4.6. A separate Listed Building application (BH2022/03893) in respect of the Manor House, Tithe Barn and boundary walls is under consideration and appears on this planning committee agenda.
- 4.7. Block A, the tallest at 15 storeys, would be sited in the south west corner of the site on the bend of the road opposite the Huxley building and Moulsecoomb station steps and would be integrated with Block B (11 storeys) and Block C (4 storeys) to its north. Block C would be sited in alignment behind the listed Manor House. These three buildings would have a dual aspect facing east towards Lewes Road and the listed buildings and backing onto the railway and QSR. Block D would be downhill (and east) from Block A also opposite the Huxley building. It would be part 9 storeys stepping down to 5 storeys northwards towards the south flank of the Manor House.
- 4.8. The blocks would all be in brick as the predominant external material.
- 4.9. The student rooms would be a mix of cluster rooms (60%) and studios (40%).
- 4.10. A proposed new north-south pedestrian throughfare is proposed between blocks A and D which would align with the existing internal access road on the Watts campus to the south. This new pedestrian lane would link up with the listed buildings at lower level by way of a newly created winding accessible footpath through a newly created landscaped embankment. The station arrival point would also feature new hard landscaping across QSR up to the base of the station steps.
- 4.11. The student accommodation would be car free. Eight accessible parking spaces would be created on QSR adjacent to the railway line on the public highway so would be useable by the public. Thirty-three parking spaces

(including 3 disabled bays) would be retained on the site itself for use by users and operators of the Manor House and Tithe Barn.

4.12. 458 cycle parking spaces are proposed.

5. REPRESENTATIONS

5.1. **Twenty-Nine** (29) letters of representation have been received objecting to the proposed development on the following grounds:

- Adverse impact on listed buildings
- Loss of original flint walls
- Inappropriate height of the development which is above the tree line and impacts the skyline
- Overdevelopment and excessive scale of development
- Poor design
- Numerous new student housing blocks in the area. Not needed.
- Need for housing not student accommodation
- Student accommodation has changed the character of the area and should be better integrated
- This type of development results in more HMO's which create problems of overcrowding, excess rubbish and no sense of community.
- The development does not serve the needs of an existing local community
- Infrastructure implications of the students eg dentistry and GP practices not addressed. Drainage.
- Students housing does not provide council tax income. Impact on property values
- Additional noise and late-night activity
- Restriction of view
- Loss of daylight and sunlight
- Overlooking and loss of privacy
- Overshadowing
- The proposed public house is inappropriate
- Additional traffic
- Parking pressures
- Impact on air quality
- Further impacts Lewes Road as a wind tunnel
- The development should not impact protected or priority trees
- Harm to local wildlife
- Demolition of existing buildings is not environmentally friendly

5.2. **Twenty-two** (22) letters of representation have been received supporting the proposed development on the following grounds:

- Proposals would restore and open up the listed buildings to the public is welcomed.
- Proposals include sensitive regeneration. Good design.
- The station area improvement is welcomed

- More dedicated student accommodation is needed and will help to reduce the demand for houses being converted into student lets and reverse the trend.
 - The proposals make a better use of the site
 - The proposals provide a central point for local people and students to meet using amenities and community space provided.
 - Welcome the new pub and place to eat as there is little else in the area. Events space is welcomed
 - The proposals will improve the social life and amenities for students and facilities at social club.
 - Creation of jobs for local people and attracts more businesses
- 5.3. **One** (1) letter of Comment has been received in relation to the proposed development which raises the following:
- Although the height of the buildings is excessive, the aim for 24% Biodiversity net gain is welcomed though this shouldn't be watered down when it comes to the detail design.
 - Any section 106 money should be put towards improving the disabled access at Moulsecoomb station or a swimming pool at Moulsecoomb leisure centre.
- 5.4. **Councillor Fowler** Objects to the proposed development. Comments attached.
- 5.5. **Brighton Society Committee** Objects
- Detrimental impact on the listed buildings
 - The removal of an original flint wall would be a significant loss to the historic fabric.
 - The proposed student housing would dominate and overshadow the Manor House
 - The demolition of the existing student housing would go against the current aims of the construction industry which seeks to avoid demolition. Coupled with the proposed construction materials results in significant levels of carbon emissions.
- 5.6. **Brighton and Hove Economic Partnership Support**
The proposed development which will generate economic benefit for occupants, visitors and community members of Moulsecoomb.

6. **CONSULTATIONS**

Internal:

- 6.1. **Air Quality Officer:** Support
Recommend approval with conditions. Buildings are set back from the carriageway by at least 50 metres such that future residents will avoid exposure to road traffic emissions. The landscaping in front of the site will help improve urban realm and provide a healthier environment.

- 6.2. Use of Air Source Heat Pumps is welcomed in preference to chimneys and flues. Provision of electric vehicle charging points is required in accordance with SPD14 and building regulations Part S.
- 6.3. **Arboriculturist:**
 Tree Preservation Order TPO 1993/7 covers the site, composed of 54 individual trees and one area grouping of Sycamore trees. The tree survey identifies ten individual and six groups of trees, along with the partial removal of two groups and a hedgerow to facilitate development; the majority of these within the proposed footprint. It is worth noting that T10 – Yew, G8 – Sycamore and G9 Sycamore / Horse Chestnut / Holly identified for removal are protected status trees. Although the loss of these trees is to be regretted there will be minimal change to current landscape amenity, in particular the Lewes Road aspect will remain largely unaffected; the proposed 84 new trees are considered sufficient mitigation to have no significant concern regarding amenity loss.
- 6.4. Agrees with Arboriculture Impact Assessment (AIA) that there is a requirement for works within root protection areas (RPA) of several trees and its recommendation that a no dig methodology must be adhered to for the construction of footpaths and car parking areas. If approval is granted, an Arboriculture Method Statement (AMS) incorporating a Construction Method Statement for all ground work within designated RPA should be conditioned and approved in writing prior to construction. A detailed Tree Protection Plan for all retained trees must be submitted in conjunction with the AMS and approved in writing prior to construction.
- 6.5. No information has been provided regarding the levels of facilitation pruning to enable development, however BHCC Arboriculture raise particular concern with trees identified as G3 – Western Red Cedar along with a portion of G4 – European Lime flanking the current flint wall and in proximity to the proposed block D. Noted the Daylight Sunlight Review stating half the rooms failing to meet the specified criteria are adjacent to existing trees. Note the pruning required to facilitate construction is unknown. Post development pressure to significantly reduce or remove these protected status trees would be anticipated.
- 6.6. Although the loss of protected status trees is regretted, BHCC arboriculture have no formal objection to the proposal and would recommend granting planning permission subject to conditions.
- 6.7. **Environmental Health** (Land Contamination):
Revised comment: No objections
 The Desk Study is now acceptable for this site. I now recommend the following condition:
 1) *The standard contaminated land condition including further site investigation, a method statement for risk/remediation and verification of the area of site that is to be developed.*
- 6.8. A suggested informative regarding asbestos discovery is recommended.

Comment

- 6.9. Note the document only covers northern area but no plan to redevelop southern part of site; maximum radon on site using updated 2022 data is 3-5%; a full site investigation with appropriate ground gas monitoring to comply with regulations is required.
- 6.10. **Environmental Health (Noise): No objections**
Revised comments
New acoustic report to be provided. However, given the distance from the road and that the scheme replaces decaying student accommodation with purpose build student accommodation, it is felt that the scheme is capable of being dealt with through conditions.
- 6.11. Following discussions with applicants agreed a methodology using a combination of the site measured data in order to revisit the scheme but using computer noise modelling to map the site and its topography, as well as the relevant sound sources such as the railway station and the Lewes Road.
- 6.12. Whilst the initial outcomes of the report were that the windows would be likely to be kept closed and Mechanical Ventilation and Heat Recovery Unit(s) used to provide ventilation and/or cooling to the bedroom units, it has been recognised by the applicants, that it may be possible to open windows for reasons of ventilation and/or mitigation of overheating.
- 6.13. The acoustic report anticipated will include:
- The computer noise model outcomes in terms of external sound pressure levels for each façade of the new build blocks
 - A review of the events which are likely to have maximum impact on the residential bedrooms
 - A review of the overheating strategy
 - Noise from commercial sound sources such as the pub, the events space and site deliveries etc
 - The impact of road traffic noise on the listed building habitable guest spaces is also expected.
- 6.14. The new buildings are all set back from the principal sound source of Lewes Road, with the Manor House being 61.5m (approximately), Block D being 84.2m and Blocks A-C further still at approximately 117-120m from the road edge. The new build student halls will benefit from distance attenuation from the Lewes Road. Elements of Block A will also be subject to some shielding/massing effects from Block D to the South-East in terms of road traffic noise.
- 6.15. It is important to recognise also that the wider scheme includes new sound sources which need to be carefully considered to prevent noise being a problem to either newly introduced student residents, or existing residential amenity to the North-East of the scheme.
- 6.16. Initial Comments: Comment

From a noise perspective, there are two existing primary sound sources being the Lewes Road and the Moulsecoomb train station to the north-west. Additionally, the University of Brighton's Huxley building to the south-west has some plant and access/egress requirements for students and staff which will likely contribute to the site soundscape as discussed within the submitted acoustic report.

- 6.17. The application has the benefit of an acoustic report of which the conclusions have been drawn from a longer-term survey September 2022 and three other short-term locations to assess how sound changes around the site perimeter. Survey sheets are included in the appendices to detail the subjective narrative at the locations as well as the times, dates and weather. It is evident that some vibration assessment has also occurred on site.
- 6.18. There are a number of queries relating to the assessment which need to be addressed to include, data relating to the proximity of the railway station, consideration of the Huxley building plant, impact of site topography, noise modelling and the mechanical ventilation proposals.
- 6.19. It is also apparent that the acoustic assessment relates only to the new buildings A-D and not to any of the other elements of the site relating to the listed buildings. Specifically, there are uses such as a public house, restaurant, event space(s), plant, external seating areas as well as 10 guest bedrooms which will also require consideration from an acoustics perspective. These may also have an impact on nearby residential properties at Highbrook Close which need to be explored further as part of a detailed consent to ensure that existing residents are not subject to adverse soundscape conditions. Given the commercial nature of the refurbished sites, servicing/deliveries should also be considered.
- 6.20. **Heritage: Comment**
The proposed tall buildings are within the Lewes Road corridor tall building area set out in policy CP12 and in the Urban Design Framework (SPD17). With regard to criterion 4 of policy CP12, the proposed development would cause harm to the setting of the grade II listed Manor House due to the scale and visual impact of the new student housing blocks and the consequent harmful demolition of a section of original flint wall that defined the walled garden to the Manor House. The harm to the listed building and its setting would be less than substantial under the terms of the NPPF.
- 6.21. The proposals for the re-use and restoration of the vacant listed buildings are, however, important heritage benefits under paragraph 197 of the NPPF and would enable greater public access to and appreciation of these heritage assets. The proposals would also remove harmful later additions and alterations that have cluttered the rear and side elevations of the Manor House. Internally, the removal of the modern mezzanine and partitioning from the barns are significant benefits. The new, high quality public realm would create a more fitting immediate setting to the barns on the north side. The landscaping of the grounds and garden, including additional perimeter planting,

would partially restore its historic landscape form as a designed setting for the Manor House and would enable better functioning as public spaces from which to appreciate the Manor House and barns.

- 6.22. Overall, therefore, in weighing the heritage benefits of the proposals against the heritage harm it is considered that, subject to phasing and details, the development would have a net neutral impact on the listed building and its setting and so their significance would be conserved. However, a more robust approach to phasing and delivery is required to be confident that the heritage benefits are fully achieved, otherwise the planning balance referred to above may not apply.
- 6.23. **Planning Policy: Comment**
The development would provide 566 student bedspaces, resulting in a net gain of 403 over the current provision on site. No objection is raised to the principle of a higher density Purpose Built Student Accommodation (PBSA) development on the site subject to detailed consideration of design, amenity and heritage issues, particularly given the presence of designated heritage assets on the site. 60% of the PBSA bedspaces are to be provided in the form of cluster flats which exceeds the policy requirement in CPP2 DM8 and is welcomed.
- 6.24. The loss of the nursery community facility use is regrettable. It is not considered that any of the exception criteria in Policy DM9 have been fully met. The loss is partially mitigated by the provision of alternative community facilities through the conversion of the Tithe Barn to provide a public house and an element of flexible community space, although no use for this has yet been identified. However, overall, the loss of the nursery weighs against the proposal in the planning balance.
- 6.25. The provision of a public house within the development is welcomed. Public houses are important community facilities that can provide a social hub for communities of which this area of the city is not well served with.
- 6.26. The development would provide 10 guest bedrooms as part of the pub and events space element of the development. The site is an out-of-centre location, and no sequential test has been provided. An Impact Assessment has been provided which notes that the guest accommodation will principally cater for visiting parents and those visiting the restaurant, pub and social facilities. This is a logical assessment of the market that a limited number of additional hotel bedrooms in this location will perform. The small amount of visitor accommodation proposed is linked to the wider proposed development and it would not be appropriate, in this instance, to undertake an assessment of alternative potential locations in the city centre through a sequential test. No concerns are raised with this element of the scheme and the small amount of employment and economic activity that it would generate are welcomed.
- 6.27. It is indicated the development can deliver a 24% net gain in biodiversity. This is welcomed to meet requirements of CPP1 policies CP10.2(c) and CP8.2(j), and CPP2 policy DM37, subject to verification of the assessment.

- 6.28. In summary, the proposed development would significantly boost the density of PBSA on a site already used for this purpose that is well-located to both sustainable transport links and the university campuses. The loss of the nursery is regrettable and has not been fully justified in the context of CPP2 Policy DM9. Whilst the loss has been partially mitigated by the provision of a public house and some flexible community space, the loss still weighs against the scheme in the planning balance.
- 6.29. **Public Art:**
To make sure the requirements of local planning policy are met at the implementation stage; it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. This is supported by policies CP5; CP7; CP13 of City Plan Part 1 and policy DM18 of City Plan Part 2. In line with the Council's published Developer Contribution Technical Guidance, it is suggested that the Artistic Component element for this application is to the value of £82,608 based upon the floorspace calculated as Gross Internal Area (GIA).
- 6.30. **Public Health Team: Comment:**
The methodology used to develop the Health Impact Assessment (HIA) is appropriate. The HIA includes public consultation and is mostly comprehensive and generally addresses the expected domains of a HIA.
- 6.31. The HIA finds that the site is a student area in the 10% most deprived nationally for health deprivation and disability domain. Assessment of distance to medical facilities but assumes that most students would maintain pre-existing 'home' services against recommendations. Site has good access to footpaths and cycle routes. Support provision of multi-use social areas and improved links to railway station. We strongly recommend that public use of new and existing public footpaths on the site are secured with a Permitted Path Agreement.
- 6.32. We strongly recommend a condition of the development is that it includes a Community Use Agreement for community spaces specifically, it should cover the existing Social Club, the new Pub, the café, and open space in at the front the Manor house, food production areas, as well as the community area in the base of Block D. The Community Use Agreement should include how hire, food and drink costs will be kept affordable for students and local residents.
- 6.33. More detail is required on how to achieve social cohesion and how greater use of the communal facilities will be encouraged and achieved and what training opportunities will be provided for students and local residents.
- 6.34. **Sustainable Drainage: No objections**
The information submitted includes the flood risk assessment and surface water drainage strategy including drainage plans and accompanying information. The drainage strategy includes infiltration to greenfield sites using SUDS. This approach is supported by the Lead Local Flood Authority. We would support a recommendation for approval.

6.35. **Sustainable Transport: Support**

Final comments

The submitted addendum has provided amendments to the trip generation assessment as requested by the LHA. A TRICS site selection has now been used that is more robust and have surveys undertaken within or around acceptable date parameters. As a result, the proposed changes have indicated the proposals will have a reduced impact, as previously, and this is expected due to the loss of parking and the site being proposed to be car-free.

6.36. The applicant has also produced a forecast of the number of delivery vehicles to be servicing the site by using servicing data available for two from a short list of selected sites. Whilst the submitted analysis is adequate, we would want to see deliveries and servicing vehicle movements managed, and reduced as much as possible, as part of the travel plan and DSMP as stated in our main comments.

6.37. The applicant has provided amended plans that indicate the removal of wall mounted stands and an increase in Sheffield type stands. The overall amount is slightly above Parking Standard SPD14 minimum levels and the Sheffield type stands are 20% of the total. The proposed amendments are therefore considered to be more convenient to use and welcomed.

Initial Comments – No objections

6.38. Provisional support for the scheme subject to agreement of further amendments and details of trip forecasts and trip generation. The following conditions and a S106 are requested to cover the following:

S278 Highway Works

6.39. A section 106 agreement should require a detailed scheme for the works on Queensdown School Road to be agreed before development commences on site. The agreed highway works should be completed before first occupation/use.

6.40. **Management Plans**

- Delivery & Servicing Management Plan including, amongst other things, details of student and residential related deliveries.
- Student lease clause not to own a car and park near the site
- Travel Plan
- Demolition Environmental Management Plan.
- Construction Environmental Management Plan.

6.41. **Conditions to cover:**

- Student Move In/ Move Out Management Plan
- Retention of Parking Area
- Cycle Parking Scheme (Notwithstanding the plans hereby permitted)
- Pedestrian route and footpath details
- Lift hours of operation and maintenance

- 6.42. **Urban Design:**
Revised comments: Support
These comments are an addendum following receipt of amended drawings to be read in conjunction with earlier urban design comments. It highlights which previous comments / recommendations have been addressed and how. Other previous comments / recommendations are yet to be addressed.
- 6.43. In general, additional material addresses a number of the comments raised, particularly in relation to improving the impact of the height of some of the blocks and how to lighten the density viewed from Lewes Road. There remain some concerns in relation to previous comments particularly around daylight and sunlight to internal rooms.
- 6.44. Some of the areas of concern can be addressed with conditions where applicable.
- 6.45. Please refer to more detailed comment below, as well as recommendations for improvement on the above concerns and others. These recommendations are offered in the spirit of collaborative working. They do not offer final or fully developed design solutions and must be tested by the applicant before resubmission. These comments are offered without prejudice of any final planning decision.
- 6.46. Details of wayfinding may be amenable to secure by condition.
- 6.47. Recently submitted information presented amended room layouts to student rooms to include kitchens in the assessment and the addition of some windows to improve daylighting which goes some way to address previous comments. Further measures are on-going to increase compliance which is appreciated.
- 6.48. The demolition audit is considered to be commendable in responding to circular economy principles and the design seeks to address embodied carbon and whole life cycle, as per Sustainability Officer comments. Subject to heritage officer comments, securing some targets by condition would be positive.
- 6.49. There is still considered to be potential for food growing areas within the site.
- 6.50. Additional information submitted has responded to previous comments on massing and design. Recent amends to proposals present a more inclined chamfer to the north corner of the taller mass of Block D and lighter brick tones to block A. It is considered that whilst the actual height remains unchanged, these changes work in tandem to reduce the impact of the height of these blocks somewhat. As such, it is considered that these changes go some way to address these three comments.
- 6.51. It is understood that wind mitigation is required in this location and that there has been some design development to date which has concluded the submitted design of wind baffles. It would be appreciated if further

development of the baffles could be explored during detailed design, to confirm required frequency and depth of these baffles.

- 6.52. It is understood that communal space is provided within Block C, Level 02 which appears to be useable by the studios on this flat, subject to access arrangements of the door within the corridor here. Previous comments and concerns raised remain regarding the spread of communal space across floors, especially on taller blocks such as A, B and D (taller mass). Recommend provision of updated floor plans in response to recommendations.
- 6.53. The Applicant has since clarified the cladding on the North mass of Block D to be a light red hung tile. It is considered that materiality may be secured via condition for material samples to be submitted, from an urban design perspective. Subject to Heritage Officer comments.
- 6.54. The recently submitted updates present a change in brick tone of Blocks A, B and D which are acceptable. It is considered that lightening the tone of Block A works in tandem with the increased chamfer to Block D to reduce the impact of the unbroken cluster of buildings as seen from Lewes Road.

Initial comments:

- 6.55. The applicant has engaged enthusiastically in the pre-application process and the scheme has evolved positively. The proposals are generally well received. The design strategy is well informed by contextual analysis, community engagement and provides a strong development vision which centres around the generation of place and sustainable community. The site strategy is landscape led and the overall appearance is heritage-led. The site layout is derived from the protection of heritage assets and the new buildings would be connected by a legible sequence of external routes and destinations.
- 6.56. The new tall buildings are in close proximity to heritage assets mitigated in part by chamfered roof tops and stepped away from lower heritage buildings and through high quality design in appearance and sustainability aspirations. The refurbished heritage assets have responded to feedback in pre-application engagement and the new functions respond local community aspirations. The high- quality landscaping and outside amenity space is well designed for students and the wider community alike linked by good pedestrian movement and vehicle strategy deflecting vehicles to the fringes of the site. No improvements are required in this regard. Building design has taken a fabric-first approach to optimise thermal performance and good ventilation which indicate potential for a high-quality scheme in terms of sustainability.
- 6.57. There are some concerns however:
- 6.58. The scale and massing are uncomfortable in parts, in relation to the University buildings in particular Block D and the clustering together of the new buildings. High-quality design, materials and other mitigation are required if heights cannot be reduced.

- 6.59. A significant proportion of rooms have reduced daylight levels which do not meet the BRE guidance.
- 6.60. Sunlight levels to rooms meet the guidance in a very high proportion of cases.
- 6.61. Some areas of student accommodation do not have convenient access to communal amenity facilities.

External:

- 6.62. **Conservation Advisory Group: Recommend Refusal**
The renovation of the Grade II Listed Moulsecoomb Place buildings and gardens is welcomed. The use of building materials and design elements inspired by Moulsecoomb Place is noted.
- 6.63. The proposed blocks would detract from and not enhance Moulsecoomb Place and would dominate and overpower the site resulting in overshadowing and an increase in massing detrimental to its setting particularly viewed from the east.
- 6.64. Concern about removing the flint wall 75m long which forms the original curtilage of the manor house and retained when the current student accommodation was built.
- 6.65. The Tithe Barn should be tiled not slated as it was originally. Care should be taken with restoration of windows of Moulsecoomb Place and staircase iron work.
- 6.66. The cottage has two of the earliest known 'Yorkshire' sliding sashes in Brighton and Hove which should be carefully restored.
- 6.67. Walnut tree closest to 1900s extension should be retained and pruned back.
- 6.68. **County Archaeologist: No objections**
The information provided is satisfactory and identifies that there is no risk that archaeological remains will be damaged. It is acceptable that the risk of damage is mitigated by applying conditions.
- 6.69. **Ecology:**
Final response: No objections
It is proposed to retain all bat roosts in situ. The proposed mitigation outlined in the submission and Bat Report is acceptable. 5no. small bat boxes should be installed on trees (as stated in the Bat Report).
- 6.70. The Design Team has confirmed that tree removal will be reviewed at the detailed design stage and if these trees require removal, works will follow best practice guidance i.e. soft felling under the supervision of a licenced bat ecologist.
- 6.71. The considered approach taken to the Lighting Strategy is acknowledged with the lighting plans showing that there will be no direct lighting of roosts, no up-

lighting of trees and a reduction in light spill compared to the existing lantern design.

- 6.72. The updated BNG calculation (V2) indicates a positive change in biodiversity units for the Scheme from 10.72 to 12.32%.

Follow up response:

- 6.73. With the exception of the issue of bats and lighting, all issues raised initially have been satisfactorily addressed and it has been demonstrated that the minimum Bio Diversity Net Gain of 10% can be secured.

- 6.74. Amphibians – In respect of the potential presence of amphibians (Great Crested Newts). The precautionary approach being adopted for other protected/notable species, when clearing suitable habitat, will be sufficient to safeguard any amphibians should they be present.

- 6.75. Bats and Lighting - 8 species of bat were recorded as using the site and roosts assessed as being of District Value are present on-site. The applicant should demonstrate that they have done everything possible to minimise light spill onto vegetation along the north/northeast boundary, with a maximum of 1 lux (equivalent of clear full moon) being the target level. This improvement should be evidenced in revised lighting contour plans as part of the Ecological Lighting Strategy that should be conditioned.

- 6.76. The proposal to review light levels and reduce them by one class to P4 is welcomed. The applicant should clarify where they are proposing this. This improvement should also be evidenced as part of the Ecological Lighting Strategy by condition.

- 6.77. It is not thought that Place Making Principle 2, to 'strengthen the connection to the South Downs (east to west)' is being met. Applicant should respond to the comment regarding loss of habitat that contributes to the green corridor and specifically if landscape planting in this location can 'replace those trees lost and maintain a connected canopy along the site's north boundary to join up with the wooded railway embankment on Queensdown School Road'.

- 6.78. It is recommended that wherever possible lighting adjacent to roosts and within and adjacent to key foraging and commuting habitat is only applied when required i.e. PIR triggered lighting is used, which turns on in response to human activity. The lighting should be accurately synchronised with bat activity periods instead of by periodic/seasonal updates.

Initial response: Objection

- 6.79. Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.

- 6.80. Overall, the consideration that has been given to biodiversity within the proposed scheme is welcomed and it is likely that a scheme can be supported from an ecological perspective. The site is not designated for its nature

conservation interest but falls within the Brighton and Lewes Downs UNESCO Biosphere Reserve. The Ecological Impact Assessment concludes that there are not likely to be any significant effects on Castle Hill Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) due to its location and the low car ownership rates of students. Further information on potential recreational impacts on nearby Local Wildlife Sites should be considered. Recreational impacts on the South Downs National Park (SDNP) is considered to be insignificant. A standard Constructional Environmental Management Plan should be conditioned to protect the nearest Local Wildlife Sites.

- 6.81. Any tree works or removals must be subject to findings of further bat survey work. A Ground Level Tree Roost Assessment for bats should be undertaken before any planning permission is granted as this has not been carried out. A considered approach to bats in the Lighting Strategy has been taken.
- 6.82. An Ecological Design Strategy (EDS) should be required by condition and a Landscape Environmental Management Plan (LEMP). An array of swift boxes and bee bricks should be installed (total around no.70 each). The existing pond/water feature in the walled garden will require surveying for reptiles.
- 6.83. Clarity is required on features which are included or omitted in the Biodiversity Net Gain calculations however even with a worst case scenario, it is considered that there would be a net gain of 10.3%.
- 6.84. **East Sussex Fire and Rescue: No comments**
- 6.85. **Health and Safety Executive: No objections**
The proposal appears to meet the requirements of a Gateway 1 Project to be considered by the Health and Safety Executive.
- 6.86. **Historic England: No comments**
- 6.87. **National Highways: No objections**
Student accommodation is proposed to be mainly car free and therefore would result in very low level of car trips and are wholly supportive of this. Welcome Framework Travel Plan submitted subject to condition requiring detailed plan. Condition requiring CEMP in consultation with National Highways.
- 6.88. **Network Rail: No comments received**
- 6.89. **Neos Networks: No objections**
- 6.90. **Scottish Gas Network: No objections**
Information supplied for applicant of map of network.
- 6.91. **Southern Water: No objections**
Standard advice provided regarding location of existing foul sewer and water supply network. Any network enforcement deemed necessary will be provided by Southern Water in liaison with developer. Requests standard conditions related to network enforcement and maintenance.

- 6.92. **Sussex Police: No objections**
 Delighted to see that many Secured by Design (SBD) principles will be implemented. Bike stores will also be monitored externally and internally with CCTV. Recommend compartmentalisation of student accommodation. Controlled lift access and dedicated door sets on each landing using swipe cards or readers is recommended. Recommendations made regarding post boxes, student room locks, door viewers for security. Ground planting no higher than 1 metre and canopies no lower than 2 metres.
- 6.93. Applicant should consult Sussex Police Licensing regarding social club and restaurant.
- 6.94. **UK Power Networks: No objections**
 Information supplied for applicant intending to carry out works close to equipment and network

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.
- 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).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP4 Retail provision
- CP5 Culture and tourism
- CP6 Visitor accommodation
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk

CP12 Urban design
CP13 Public streets and spaces
CP15 Heritage
CP16 Open space
CP18 Healthy city
CP19 Housing mix
CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix
DM8 Purpose Built Student Accommodation
DM9 Community Facilities
DM10 Public Houses
DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM23 Shopfronts
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and servicing
DM37 Green Infrastructure and Nature Conservation
DM38 Local Green Spaces
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM41 Polluted sites, hazardous substances and land stability
DM42 Protecting the Water Environment
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Document:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to: Policy issues related to principle of new purpose-built student accommodation on the site.
- Location, topography and site constraints.
 - Scale, height and massing of new proposed student blocks
 - Design quality, public realm, landscaping and public access.

- Setting of heritage buildings and associated open space.
- Changes of use within the heritage buildings.
- Sustainability issues, energy efficiency, daylight and sunlight impact on existing and new occupants.
- Noise issues from existing road and rail and impacts from uses of Manor House and Tithe Barn and new accommodation.
- Vehicle and cycle parking and site servicing.

Planning Policy:

- 9.2. The site is not allocated specifically in the City Plan for development and that part of the site which is to be redeveloped forms the existing purpose-built student accommodation (PBSA). The site does fall within the Lewes Road Development Area under Policy DA3 of City Plan Part 1 (CPP1). The Development Areas in CPP1 anticipate a significant volume of development being in either central locations or with excellent links to public transport which this site does both rail and bus on a main transport corridor.
- 9.3. The principle of student development is established by the current occupation, therefore, whilst policy DA3 identifies the Lewes Road corridor as being suitable for student development with good links to the Universities. This site is immediately adjacent to the Watts campus of the University of Brighton. Whilst the development is not specifically for students from the University of Brighton or being proposed by the university, its location on the doorstep is likely to prove more attractive to its students than other institutions.
- 9.4. Policy CP21 relates to PBSA and policy criteria encourages higher density student developments where this is compatible with the existing townscape. It should be demonstrated that they have entered into an agreement with one of the Universities or other existing education establishment. This is rarely possible prior to planning permission being granted so would be secured by legal agreement. A letter supporting the proposals has been received from the University of Brighton which is welcomed. The letter indicates that an increase in student numbers on the Moulsecomb campus will take place as part of a strategic plan and more accommodation will be required going forward. The Policy team have welcomed the additional accommodation therefore and advised that a clause in any S106 agreement could ensure that occupation is restricted to students of existing establishments. The policy team therefore have no concerns about compliance with CPP1 policy CP21.
- 9.5. Policy DM8 of CPP2 also relates to PBSA and sets out further criteria on the nature of the accommodation. Primarily the policy requires that the development should provide predominantly cluster rooms which it does. There would be 2 types of cluster room offering different specifications. Cluster Type 1 would be a standard student room with shared kitchen/lounge facility whilst Cluster Type 2 rooms would have a small food preparation and cooking facility, but also have access to the same shared kitchen/lounge facility. Approximately 60% of rooms (215 no.) would be the basic Cluster 1 type and the rest would be Cluster type 2 (134 no.). There would also be much larger studios which would be self- contained and would total 234 rooms.

- 9.6. Policy DM8 requires the student bedrooms to be of a sufficient size for living and studying. Whilst floor areas are not specified in policy, the traditional cluster rooms proposed would be just above 13 sqm. which is considered to be suitable for their purpose and is a standard that has been accepted and provided in many schemes in the city. Studios are more flexible in size but 16 sqm. is generally accepted as a minimum to be able to provide the addition of cooking facilities in the rooms. DDA compliant rooms are required to be larger to be able to demonstrate DDA compliance. The Design and Access Statement sets out room typologies and layouts for this scheme with Cluster Type rooms of 13.5 sqm; Cluster Type 2 at 15.5 - 16sqm. and studios at a range of sizes from 18 – 25 sqm. These sizes are considered to be acceptable and policy compliant. The communal kitchen/lounges are variable in size depending on the number of rooms they would serve thus from 25 – 35 sq. m. which is acceptable in policy terms.

Community Uses

- 9.7. The Tithe Barn was in use as a children's nursery run by the University of Brighton for its staff on a subsidised basis. In 2010 the nursery was opened up to the wider community. It operated for 45 weeks a year. The decision to close was taken in January 2020 after years of losses which increased year on year, subsidised by the university and finally closed in early 2021.
- 9.8. The applicant has proposed a new accessible community facility of 100 sqm (GIA) in the ground floor of Block D on a prominent corner on QSR with a good outlook and visibility to users. There is no occupier in mind, however the applicant has been reaching out to community groups in Moulsecoomb to assess potential interest. The proposals for the Manor House also include a public house in one ground floor room.
- 9.9. Policy DM9 (Community Facilities) in CPP2 will only permit the loss of community facilities such as a nursery where one of 4 criteria apply. The criteria require either of the following:
- a) Replacement of an appropriate quality and size as part of new development proposals in a suitable location
 - b) The facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility.
 - c) The building is no longer suitable to current use and cannot be adapted to be so.
 - d) It has been demonstrated that there is no current or future demand for the space as its current use or an alternative community use.
- 9.10. The new community space would not necessarily be occupied by a nursery so criterion a) is not met. The University carried out some research in 2021 in the local area of early years provision and reported 17 no. settings some with capacity but the evidence was limited.
- 9.11. The applicant considers that the Tithe Barn is unsuitable as a nursery use in close proximity to the PBSA. This did not prevent the nursery from operating close to the current PBSA in the opinion of the Policy team and the proximity

would not be an issue. Indeed, the new community facility would be in the same building as the student accommodation albeit separately accessed from the street.

- 9.12. From the site visit observations however, it could be said that the Tithe Barn, whilst operating as a nursery for years, would not have been an ideal facility. The building has several split levels and a warren of small rooms and narrow corridors beginning from the current entrance lobby. There are larger rooms for activities at the opposite ends of the building. Access to the outdoor walled garden is also via a short, elevated timber walkway at Level 1 raising safety issues. Supervision of young children would likely have been resource intensive given the layout.
- 9.13. The Tithe Barn has a floorspace of 244 sqm (GIA) however from inspection, it did not appear to be all in use for the nursery. It is not known if the large open top floor in the roof space (now used as an office by university staff) was used whereas plenty of physical evidence of its former nursery use remain on the lower 2 floors.
- 9.14. In reference to policy DM9, the replacement floorspace for community use would not provide an equivalent floorspace figure some account could be taken of the new community space being more practicable and accessible than the Tithe barn's multi levelled, narrow spaces with reference to criteria c). The new pub is also recognised as a new community provision. In sufficient evidence was submitted to meet the other criteria whilst there are other nurseries identified in the vicinity. In mitigation, the provision of other public facilities such as the restaurant and the opening up of the site and grounds to the public will be a public benefit with potential for events to take place.
- 9.15. The policy is not considered to be wholly met which will should be taken into account in considering the overall balance of the scheme.

Public House

- 9.16. The Policy team have welcomed the provision of a public house as part of the community offer in a location not well served by pubs. Policy DM10 recognises pubs as an important contributor to the vitality and character of communities. The public house would occupy a medium sized room in the front of the Manor House in the extension (south). Customers would also have access to the proposed new covered courtyard linking the Manor House and Tithe Barn together with a small external annexe. These seating areas would all be shared by customers using the Tithe Barn catering and event facilities but all run by a single operator. In total the public house would occupy 183 sq.m). The introduction of a pub will open up the Manor House to the public but would also operate as the breakfast room for the proposed hotel accommodation.

Visitor Accommodation

- 9.17. CPP1 Policy CP6 sets out policy on visitor accommodation, supporting the provision of sufficient and wide-ranging types to support the city's tourism and business conference economy, with development to be directed firstly to central Brighton.

- 9.18. The development proposes 10 rooms to be provided in the converted Manor House. The site is out of centre but a sequential test has not been provided to support the change of use. The policy directs new hotel accommodation firstly to the centre of Brighton. The policy supporting text states that this because the centre is the most sustainable location as it is close to public transport. This site is adjacent to Moulsecoomb Station and on a main bus route corridor so it could be said that this objective is still met. The policy text also says that outside of the centre, a hotel could be permitted to serve a particular market and, in this case, the market could be visiting parents of students, academics or university events or events taking place in the Tithe Barn so is considered to accord with the policy.
- 9.19. An Impact Assessment has been provided (in compliance with policy CP6) and it is considered that given the small number of rooms and that the market is likely to be for people visiting the university for example, the Policy Team do not consider that a sequential test is appropriate and there are no concerns with economic impacts on the centre. A material consideration is the need to re-use this listed building in a sustainable economic manner as part of its restoration in a sensitive manner. The layout of the building lends itself to this purpose and by sensitive reinstatement of original room layouts which are considered under the related Listed Building application (ref: BH2022/02893) there could be an economic and heritage benefit which weighs in favour of the development proposal.

Design and Appearance:

- 9.20. The proposed redevelopment of the existing student accommodation has been required to be sensitive to the existing heritage assets of the Manor House and the Tithe Barn to the rear, as well be designed around the high quality extensive open space in front of the Manor House which forms an important part of its setting.

Scale and massing

- 9.21. As a consequence of these site constraints the massing and height of the scheme has been concentrated in the south west portion of the site overall to form a cluster of buildings.
- 9.22. In principle higher density schemes including tall buildings along the Lewes Road corridor under CPP1 Policy CP12 (Urban design) are acceptable being located on a major transport route and the site is in the DA3 policy area.
- 9.23. The south boundary of the site sits within the shadow of the University of Brighton campus in particular the Huxley Building and the Aldrich Library. The former is the equivalent of 7 storeys but also dominates the streetscene of QSR, whilst to the south the 10-storey expanse of the Cockcroft Building dominates the campus and is prominent in many long views from the upper valley slopes. The proposal and its location would therefore form a physical and functional connectivity with the university campus established by the current accommodation.

- 9.24. The proposal has also taken account of its wider context including the almost completed Preston Barracks development and the proposals pick up some of its architectural themes. The design philosophy has been to partly book end the campus with Preston Barracks at the south end. To the north of the site however, the urban form scales down to a more suburban scale. Immediately north are clusters of three and four storey blocks of flats and a recently built 8 storey block of flats on Selsfield Drive whilst the east side of Lewes Road features 2 storey dwellings.
- 9.25. The Urban Design officer considers that the group of buildings would successfully act as a cluster of buildings and much of the design iterations have centred around achieving a variable mix of heights and profiles whilst creating space between them and modelling of the profiles to achieve a collection with distinctive elements.
- 9.26. Block C is the lowest building (4 storeys) to the rear (west) of the Manor House to mitigate its impact on the heritage asset as well as by raking its profile back and use of similar colour palette. In viewpoints 5 and 6 from opposite on Lewes Road and within the gardens, these has been the key settings influencing the design of block C.
- 9.27. Block A is the tallest block at 15 storeys in the corner of the site from where the scheme steps down to the north to block B (11 storeys) and block C. The scheme steps down the hill to block D (9 storeys) along QSR but block D steps down significantly to 4 storeys partly to respect the Manor House but also to break down the massing. Whilst emphasis has been placed upon respecting the heritage assets, the streetscene of QSR has been a key consideration and has led to the reduction of Block D.
- 9.28. The variable heights and the variation in materials (mainly brick) but of different palettes has, in the Urban Designer officer's view, allowed the individual buildings to be read in townscape views. This is more successful in some viewpoints than others and later amendments post submission have focussed on further reprofiling of block D with deeper chamfers to mitigate areas of concern around cumulative massing.
- 9.29. The chamfering of roofscapes successfully softens the visual impact of each block which is more appreciated in shorter range views than long range. Chamfering also picks up the theme of the Mithras House buildings part of the Preston Barracks development.
- 9.30. Block A is proposed to have a lighter brick than it neighbours of Block B and D but brick tones would also vary through individual elevations to break up the composition. Block D lower will have contrasting but pleasing warm reddish/clay coloured brick which distinguishes it from the 9 storey element. In autumnal views the palette would integrate with the heavily landscaped manor house gardens which will have additional trees strategically planted. This is most appreciated in Viewpoint 2 (The Avenue).

Appearance, Materials and Context

- 9.31. The applicants engaging with officers have spent considerable time in designing a high quality designed building with good quality materials proposed. Each block is distinctive in its own right with height and variable profiles and colour palettes and can be distinguished by their individual character. However, the design as a group is cohesive and unifying. Policy DM18 seeks developments which demonstrate a high standard of design and make a positive contribution to a sense of place. The design has taken account of local context both the built form and the backdrop of the valley slopes leading up in the north west direction to the National Park. The materials proposed are high quality and the brickwork palette and profile will provide depth and texture to the elevations which is essential for tall buildings.
- 9.32. Care has been taken of creating spaces around the buildings as a group but also at the human scale in terms of movement around the site, location of its uses, the changing levels and connections with other buildings, open space and transport hubs in the manner required by policy DM18 and the Urban Design Framework (SPD17). Public Realm is considered in more detail in a section below.

Landscape and Visual Impact

- 9.33. The scale and massing of the proposals have taken account of the existing heavily landscaped setting of the development, including the South Downs National Park beyond the railway corridor to the west. The gardens currently have numerous trees in them, many of which are protected by Tree Preservation Orders. A row of large trees alongside QSR leading up eastwards from Lewes Road will afford plenty of screening to Blocks D and A behind when in leaf and in winter also and would mitigate the heights and potential sense of enclosure felt by pedestrians.
- 9.34. The site sits in the valley of Lewes Road but due to its relationship with the campus to the south and the wooded railway embankment to the west, short to medium viewpoints of the proposals will be limited. The distinguishing of the blocks is appreciated most from The Highway to the north east.
- 9.35. From the site boundary and from within the site, the heavily landscaped gardens will also mitigate the impact of the proposals on the heritage assets and the amenity of the site. Opposite the Manor House access road for example the three main tallest blocks are softened by the outline of the existing trees and their own profile and vertical emphasis contrasts with the more visible horizontal expanse of the Cockcroft building and no harm is identified in this view. The same considerations apply in long views from Moulsecomb Way where the Cockcroft building would still dominate. The proposal would add to the cluster of tall buildings along Lewes Road but maintain a respectful distance below the ridgeline of the hills and skyline behind.
- 9.36. In longer views, an assessment has been made of the impact on other heritage assets such as conservations areas or historic gardens as well as the South Downs National Park (SDNP). From the north from the south downs, the development is seen in the context of the Watts campus and Preston Barracks

and no harmful impact is identified. There may be some beneficial impacts of breaking up the silhouette of the campus and integrating a high quality design element to the townscape.

- 9.37. Public art will be integrated into the proposed development site and as part of the public realm including around the railway station entrance and the public areas of the development. Under policy CP5 of CPP1, a developer contribution arising from the proposed floorspace has been agreed in principle at a minimum of £82,608 subject to a S106 agreement. Such provision would be in accordance with CPP1 policies CP5, CP7 and CP13 and CPP2 policy DM18.

Heritage

- 9.38. A key material consideration for the application has been the impact of the proposals for the new PBSA on the listed Manor House and Tithe Barn. Details of the internal alterations and proposed extensions and external alterations to the buildings have been considered under the related Listed Building application under consideration on this committee agenda.
- 9.39. CPP1 policy CP12, criterion 4 is relevant to heritage considerations which requires new development to conserve or enhance the city's built and archaeological heritage and its settings. SPD17 (Urban Design Framework) does not suggest that tall or very tall buildings are appropriate on this site, however the Heritage Officer has commented that the general siting and footprint of the proposed development is largely considered to be sympathetic to the setting of the listed buildings. The new blocks would be set behind the historic building line and would conserve the integral garden setting in front of the Manor House to the east.
- 9.40. The most sensitive views of the Manor House are near views from the east and south-east on Lewes Road. By concentrating the development in the south-west corner visual impacts on these key views would be less intrusive.
- 9.41. Throughout the pre-application stages, the applicants were encouraged to reduce and redirect new floorspace toward the south west area of the site whilst Block C sited behind the Manor House has been reduced in height to minimise its impact on the setting of the listed buildings.
- 9.42. Development on this scale would undoubtedly have a major impact on the setting of the listed buildings. The Manor House would be experienced in a more urban, less open and spacious context due to the height and massing of the buildings, which would diminish its status to some degree, albeit set against existing large buildings on the adjacent sites and Lewes Road to the south-east. From within the Manor Gardens, Block B would form an edge to the Manor house and is part of the group of buildings that frame it. The high quality of the architecture and the design and profiles of these blocks would soften the edges of the frame in which the Manor House would be seen. The existing and proposed trees would also help to screen and soften the facades notably when in full leaf.

- 9.43. From across Lewes Road, additional layers of trees would sit in the foreground and would heavily screen the lower floors of the new blocks where they would be more contextual to the Manor house. The south wing extension to the Manor house itself would be screened by trees.
- 9.44. The approach to - and views of – this site from the north and north-east have already been compromised by the development of the large-scale Brighton University buildings and therefore tall and very tall development at the south-west corner of the site would not greatly impact the setting further. In views from the east and south-east this is less the case, but the existing and proposed trees would significantly screen the lower levels of the buildings.
- 9.45. Block D would be somewhat uncomfortably close to the Manor House, in the opinion of the Heritage Officer, but the height and massing now drop down more sympathetically from south to north, better responding to the scale of the listed building. Additionally, these blocks would not unduly intrude on the unfolding views of the Manor House in the approach drive from the north-east which is obscured by existing trees where it might be seen in context with proposed blocks.
- 9.46. Other mitigating factors have been identified such as the profiling of the blocks at upper levels and the use of brick and flint. In respect of Block D (lower) the reddish brick shown for the north wing of Block D would provide a visual reference to the clay tiled roof of the smaller barn when seen from the north (subject to careful choice of tone and texture through a condition).
- 9.47. The setting of the listed barns and ‘the cottage’ is smaller in extent and is best appreciated from nearby to the north. The current setting has been very much compromised by the car parking area and somewhat haphazard, largely private realm in this vicinity.
- 9.48. This immediate setting of the barns would be enhanced by opening up the north elevation of the barns to better public view, and the removal of the car parking, the creation of new public space and landscaping including the winding landscaped path would enhance their setting, subject to careful choice of materials for both the buildings and the hard landscaping.
- 9.49. In terms of longer views, including from within Round Hill conservation area, none raise any notable heritage concerns. The very tallest element of the scheme (Block A) has been kept as low as possible to avoid coalescence with the ridge of the South Down National Park in the backdrop. The proposals are considered to have a neutral effect on the conservation area.
- 9.50. The issue of the loss of a section of flint wall is considered in detail under the Listed Building application however it is also a material consideration in the balance of considerations of the planning application. The development would retain approximately 40 metres of flint wall with brick dressings that runs from the south-west corner of the 1913 wing of the Manor House southwards and is mentioned in the list entry. However, it is highly regrettable that the long east-section of flint wall at the southern end, part of the original walled garden

enclosure, would be demolished to accommodate the footprint of the new student accommodation development.

- 9.51. Some 'nibs' of new flint walling would be incorporated as part of the public realm between the new student blocks whilst, as mentioned above, the 'winding walk' includes flint walling on the original enclosure line.
- 9.52. In balancing considerations around the impacts of the scale of the new student blocks on heritage assets including the flint wall sections, account should be taken of the restoration and refurbishment of the listed buildings and the high quality design and materials of the new blocks which would have a positive impact in compliance with CPP2 policy DM18.
- 9.53. The removal of later extensions on the outside, internal sub-divisions and the opening up of roof spaces and feature ceiling timbers in the Tithe barn are positive aspects of the scheme. Importantly, the enhancement of accessibility and opening the site to the public to be appreciated as well as enhancing the landscaping and public realm would be a positive heritage impact in conformity to CPP2 policy DM27, to off-set some of the identified harm caused to heritage assets. The Heritage Officer has accepted that, overall, the harm caused by the proposals are less than substantial in terms of the NPPF.

Landscaping, Public Realm and Accessibility:

- 9.54. The scheme proposes public realm, accessibility improvements and landscaping across the site. The site is not very accessible due to the topography, but the applicants have succeeded in providing useable amenity spaces across slopes, ramps and plateaus, taking opportunities to introduce south facing seating opportunities. A new accessible landscaped 'winding walk' and lift has been created to link Lewes Road with the PBSA buildings and, whilst full accessibility compliance cannot be achieved on all routes due to the adverse topography, the scheme delivers a significant improvement over the existing site situation.
- 9.55. The landscaping strategy has been integrated into the design from the earliest stages of this project and as acknowledged by the Urban Design Officer the scheme has been landscape led. The listed buildings especially, have been a key element in the landscape proposals and have drawn upon the history of the site as well as by the site's proximity to the South Downs National Park with reference to old plans of the Moulsecomb Manor House from 1932 to pick out historic landscape features, which have informed the proposals which is commended.
- 9.56. The landscape strategy would reintroduce a strong wooded edge to the parkland in front of the Manor House, whilst maintaining a useable central lawn space to be open to the public which are welcomed. At the centre of the site, the new walled biosphere garden is also strongly welcomed, which will be enclosed within the historic flint walls and will offer both formal and informal areas of seating.

- 9.57. The new pedestrian lane ('Moulsecoomb Lane'), created between the proposed PBSA blocks, will be made up of a series of distinct spaces which would respond to the historic open spaces. The new lane, which aligns with the existing service road on the Watts campus, would link with the winding, accessible walkway (replete with resting points) to take pedestrians down to the lower level of the Tithe barn and Manor House. The new lane would also link up with the new Tithe barn lift.
- 9.58. The Station arrival point on QSR would also be enhanced through continuation of the hard landscaping materials selected for the site across the QSR right up to the base of the station access steps. This will open up the access to the site and provide a new civic square and generous road crossing. New resting points have also been provided along QSR to help improve accessibility for all users in this area of steep topography.
- 9.59. The arrival point from the existing northern access road at the Manor House and Tithe barn has been enhanced from its current appearance by relocating parking spaces alongside the access road with enhanced hedgerows and landscaping and enhanced hard landscaping and would succeed in enhancing the setting the listed buildings at this northerly arrival point for its occupants and visitors.
- 9.60. The development proposals would be integrated into a high quality public realm and landscaping scheme which has evolved from project inception into the design and layout of the new buildings and the restoration of the listed buildings and has addressed accessibility across the site. In these respects, the proposals would comply with CPP2 policies DM18 and DM33.

Open Space

- 9.61. The open space in front of the Manor House is designated as such in CPP1 however it is currently in private ownership. The relocation of parking spaces from the north side of the Manor House and Tithe barn and from the north side of the north access road which requires widening would result in some loss of some of the designated open space around its northern perimeter. The access road currently has parallel parking spaces along the length of its north side. There are 22 bays in front of the listed buildings which would be relocated. The proposals are to relocate 18 spaces onto the south edge of the access road parking perpendicular to the road. Overall, there would be 3 less parking spaces on the Manor House site and on balance there would be a modest reduction of 132 sqm. of landscaping dedicated to car parking. The new parking surface treatment would be softened with breaks of hedgerow between spaces and behind them to mitigate the visual impact on the open space.
- 9.62. The loss of open space on the fringe of the grassed area north of the Manor House would be 386 sqm from the current total of 8102 sqm thus representing a loss of 4.7%.
- 9.63. Policy CP16 of the adopted CPP1 states that designated open space should be retained as such, and new development will be required to contribute

towards the provision and improvement of open space. Developments should optimise the provision of safe, on-site public open space.

- 9.64. Planning permission resulting in the loss of open space will only be granted in limited circumstances, including:
- where the site is not part of a playing field (current or historical), and the loss is necessary to bring about significant and demonstrable long-term enhancements to the city's public open space offer as a whole; or
 - the proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access.
- 9.65. It is considered that the proposed changes to the current open space would meet this policy as space would become accessible to the public as an amenity area, and together with the integrated landscaping and pedestrian routes which would be created would result in a significant enhancement of public open space in this location. Access to the public open space would be secured by a Permissive Path Agreement to go with the land to be secured by a S106 agreement. Consequently, the changes are considered to be policy compliant.

Trees

- 9.66. CPP2 Policy DM22 requires development proposals to retain, improve and wherever possible provide appropriate landscape elements/landscaping, trees and planting as part of the development. Existing trees should be retained and protected unless unavoidable, and development should take into account the need for replacement trees for any tree felled. The Urban Design Framework SPD17 seeks to retain protected and mature trees and to add more, with one of the key priorities of that document being the creation of landscapes that make a positive contribution to the city's green infrastructure network.
- 9.67. The site has 18 individual trees, 16 tree groups and a hedgerow of which 8 trees, 11 groups are protected under a Tree Preservation Order (TPO No.7 1993).
- 9.68. Ten trees and 6 groups, part of 2 other groups and the hedgerow are proposed to be removed. One individual tree and 3 groups are protected by the TPO. The trees proposed to be lost are Category B and C trees and in replacement 84 new trees are proposed which should be of higher quality.
- 9.69. The Arboriculturist has commented that the protected trees are a Yew, Sycamore and the group is Sycamore/Horse Chestnut/Holly. In his consideration, although the loss of these trees is to be regretted there will be minimal change to current landscape amenity, in particular the Lewes Road aspect will remain largely unaffected; the proposed eighty-four new trees are considered sufficient mitigation and he has no significant concern regarding amenity loss.
- 9.70. The Arboriculturist has commented on the likely need to prune two large trees (Cedar and Lime) adjoining the flint wall near block D and it is noted that future pressure may arise to prune other trees to improve daylight to student rooms.

- 9.71. Officers have also considered the need to remove some or all 4no. of the large evergreen Cypress trees near the flint wall east of Block D to improve daylighting to the east facing rooms on the lowest 3 floors of the lower element of Block D. Whilst the trees provide some amenity screening value in winter, they would also have some impact on the outlook and daylight of some occupants. They are not Category A trees but are part of the group TPO. Daylight testing demonstrated that removing all 4 trees would be likely to help a maximum of 6 more rooms to meet the BRE guidance and 16 more rooms to benefit from increased daylight.
- 9.72. The Arboriculturist has advised that pruning would not work at this scale. The Cypress trees are not in keeping with the general character of species around the perimeter of the Manor House gardens. In the summer months the largest blocks would be heavily screened by many deciduous trees to mitigate impact in townscape views so on balance it is proposed that 2no. of the smaller Cypress trees should be removed whilst retaining the very largest and most significant tree which will improve daylighting.
- 9.73. Policy DM22 states that works to a protected tree (eg. TPO) will be permitted only where they do not damage the amenity value and health of the tree and/or are consistent with good arboriculture practice. It should also be to accommodate development of national importance.
- 9.74. The Arboriculturist has not objected to the proposals including the loss of the other TPOs. There are other important considerations such as the improvement of accommodation for the student occupants in terms of daylighting potentially impacting on welfare as recognised in City Plan policy DM8 and the Health Impact Assessment. It is also the case that 84 new trees of better quality and more suitable character would be planted to enhance this historic open space setting.

Impact on Amenity:

Daylight/Sunlight

- 9.75. The applicants submitted a Daylight and Sunlight Assessment which was peer reviewed by the Building Research Establishment. The assessment was considered to be robust overall.
- 9.76. The nearest residential neighbours to the site are to the north west on elevated ground in Highbrook Close. The occupiers do not have a direct outlook over the site and are situated at some distance from the tallest elements of the scheme so there would be a negligible impact. Residents in Crispin Way on the west side of the railway line are heavily screened by trees in the linear woodland and have an elevated outlook towards the site. Residents living opposite the site on the east side of Lewes Road would be at a considerable distance and would not be impacted upon.
- 9.77. The University of Brighton's Huxley Building was not assessed as it is non-residential. It is likely that daylight to north facing rooms would be affected but

they would still be functional. The University has, it is noted, written in support of the development proposal.

- 9.78. The main consideration for daylight impacts has been for the future residents of the proposed student rooms. Considerable efforts by the architects during design stage were undertaken to maximise daylight to rooms in the design and heights of the blocks and their relationship with each other. Blocks have been cranked at angles to maximise sunlight and minimise adverse daylight impacts. Windows have been made as large as possible within the constraints of energy efficiency and the internal layouts of the rooms have been refined to ensure that they are as ergonomically efficient as possible and achieve the optimum daylight where needed. For example, study desks are located by the windows as advised by the BRE and encouraged by officers.
- 9.79. Other concerns of the BRE concerning kitchen hobs and worktops in the 'Cluster 2' type rooms proposed being located in the recess by the ensembles have been addressed. BRE guidance is that kitchens and food preparation areas should have the best daylight in a dwellinghouse. Cluster 2 rooms in this scheme are larger study bedrooms with access to communal kitchen and dining rooms but they also have their own small worktops and cooking hobs which should receive reasonable daylight. Cluster 2 rooms in this scheme are larger than standard cluster rooms but smaller than studios.
- 9.80. The worktops were not included in the daylight assessment area but the architects have now redesigned the rooms so that these spaces would be nearer the windows and dead space at the entrances used for wardrobes etc. The studios proposed generally have their worktops and hobs and desks by the windows and the desks.
- 9.81. The BRE daylight guidance underwent a review and a new assessment approach published in 2022. This has been used by the applicants. The applicants have managed to meet the guidance for 77% of the 566 rooms assessed which is good overall in the circumstances. Blocks A to C achieved over 80% compliance but Block D was significantly lower. The topography of the site is a constraint and west facing rooms in blocks A; B and C facing the railway embankment. Other site constraints such as the heritage assets has led to a higher density scheme and the existence of dense woodland to the west and the many trees in Manor house gardens have also constrained daylight levels. The applicants have tested the impact of removing the 4no. evergreen Cypress trees covered by the TPO in front of block D (lower) and found that 6 more rooms would meet the guidance and 16 more rooms would achieve better daylight.
- 9.82. Overall, however, the quality of daylight for the rooms is acceptable in combination with the good sized rooms and it considered that the proposals would be compliant with CPP2 policies DM8 (PBSA) and DM20 (Protection of Amenity).
- 9.83. The Sunlight assessment found that a very high percentage of rooms at 92% would meet the BRE guidance with trees and without trees the compliance rate

would meet 97%. These figures are for March 21st. The sunlight guidance to open spaces would also be met in almost all areas of the site (2 hours of sunlight over at least 50% of amenity space on 21st March). It is considered that the scheme would be compliant with amenity policies above and quality of accommodation and amenity space in respect of sunlight.

Wind/Microclimate

- 9.84. The applicants carried out a wind tunnel test prior to submission and the BRE has peer reviewed the assessment which has been found to be robust and followed accepted practice. The BRE found that the assessed ground level conditions for a scheme of this height and density would be within the range expected. Areas where the assessment found there to be mitigation measures required, would be around the southern end of the new lane and on QSR on the south east corner of Block A. Most areas designated for sitting would be suitable except between the gap on the northern edges of Blocks A and D.
- 9.85. Following the wind mitigation measures taken at the southern end of the scheme, they were found to be reasonable and appropriate and have removed all safety concerns. The mitigation measures would comprise a series of wind baffles appended to many of the window openings on the south elevation of Block A. They have the appearance of triangulated balcony projections. Whilst the BRE have confirmed that the baffles would mitigate the wind impacts, the Urban Design Officer considers that they could be more harmoniously designed and arranged to be more in keeping with the appearance of the building. It has been agreed that the design detailing could be reviewed further with details to be submitted and agreed by planning condition.
- 9.86. It is considered that the Microclimate Wind assessment has been carried out satisfactorily and the appropriate mitigation measures identified and the proposal would comply with CPP2 policy DM20 and

Air Quality

- 9.87. Policy DM40 of CPP2 states that permission will be granted for development proposals that can demonstrate that they will not give rise to pollution that would cause unacceptable harm to health. An Air Quality Assessment was submitted with the application.
- 9.88. The site is set well back from Lewes Road and heavily screened by dense tree vegetation and an open space buffer which the Air Quality Officer acknowledges would avoid future residences being exposed to roadside pollution. The site is not near to an Air Quality Management Area (AQMA). The number of car parking spaces on site would be reduced compared to the current occupation of the site and the proposals would also reduce the number of on street parking spaces on QSR.
- 9.89. The proposed use of Air Source Heat Pumps is welcomed as they do not rely on ducts and chimneys with NO_x emissions to the air and utilise renewable top up grid electricity.

- 9.90. The Air Quality Officer has sought assurances about construction vehicle routes and type of HGVs used which can be included within the Construction and Environmental Management Plan to be secured by planning condition. The Air Quality Officer has recommended approval with conditions. It is considered that the proposals accord with policies DM35 and DM40 given that the principle use of student accommodation remains unchanged and with suitable conditions regarding construction impacts. The proposed uses do not give rise to any concerns about harmful impacts from pollution and suitable mitigation impacts are proposed.

Sustainable Transport:

- 9.91. The site is located in a sustainable location on the Lewes Road, a main transport corridor, well served by bus and cycle routes and in accordance with CPP1 policies DA3 and TR9 (Sustainable Transport) where major new development should be directed. The site is also adjacent to Moulsecomb railway Station and co-located with the University of Brighton Watts campus and in close proximity to the Mithras campus.
- 9.92. A Transport assessment has been submitted which has been assessed by the Highway Authority and following agreement on the analysis of trip rates has been accepted by the authority. The Highway Authority have indicated their general support for the proposals.
- 9.93. With the caveat that the Purpose-Built Student Accommodation would not be exclusive to University of Brighton students, its co-location with academic facilities including the recently opened Business School building (Elm House) will greatly assist in reducing the need to travel and the length of journeys for students.

Car Parking

- 9.94. No parking spaces would be provided for students except for accessible bays. There would be 8 accessible parking bays to be shared with the public on Queensdown School Road (QSR). There would also be 3 accessible bays within the curtilage of the site. Whilst the Highway Authority has raised some concerns about on street sharing, the gradients and topography of the location makes the station inaccessible thus demand for accessible bays by train users is likely to remain low. The proposed new accommodation would be fully accessible from street level so the bays could be used by occupants and visitors to the wider site. The Highway Authority has agreed that take up of accessible bays could be monitored by a Travel Plan.
- 9.95. Currently there are an estimated 31 on-street parking spaces on QSR which are currently unmanaged with no parking restrictions nor accessible bays. Cars currently park on verges and pavements, and it is estimated from the applicant's surveys that approximately a third of the on-street parking is by commuters accessing the railway station. This estimate is not disputed by the Highway Authority. With no adjacent residential properties in the vicinity, it is likely that the remainder of the current parking taking place is by existing students. Most current parking is on council owned land which is proposed to become public highway to be formalised under a S278 agreement.

- 9.96. The proposals would therefore greatly improve the somewhat anarchic parking situation around the perimeter of the railway and improve safety, access and movement around the perimeter of the site and the highway which is currently inhibiting safe pedestrian movement and is potentially a risk to general highway safety.
- 9.97. The proposed public realm improvements around the station are welcomed and around the perimeter of the sites, to be considered elsewhere in this report, but subject to a S278 agreement.
- 9.98. The parking provision on site would be 33 spaces including 3 accessible bays, a reduction of 3 as existing and 12 less than the maximum permitted (no.42 spaces) for the proposed uses of the Manor House and Tithe Barn thus compliant with SPD14. There is no policy requirement in SPD14 for provision of electric vehicle charging points for PBSA schemes or for the hotel and the hospitality uses proposed. Most of the maximum parking allowance is accounted for by the existing social club/members bar which would be permitted 20 spaces under SPD14. This seems an unlikely requirement and so elements of sharing of spaces across the uses is likely. Following the applicant revisiting the trip rates, the Highway Authority now accept that the analysis is robust and that the proposed parking provision on site is acceptable subject to management and monitoring as part of a car parking management plan.
- 9.99. New loading bays on QSR on the western boundary to serve the new student accommodation with turning heads provided at the north west perimeter of the site are considered to be acceptable to the Highway Authority. An additional loading bay is proposed at the south entrance to the new pedestrian lane which also agreed in principle.

Cycle provision

- 9.100. The provision of cycle parking on site would provide 458 spaces in total whereas SPD14 would require 434 so there would be an overprovision. Most cycle spaces are for the student accommodation with 328 no. located in the basement of Block C and 56 for visitors on the new pedestrian lane. The Highway Authority is satisfied with the overall numbers and following amended layouts it has been possible to provide a 20% provision of Sheffield stands which can be secured by planning condition.

Sustainability:

- 9.101. CPP2 Policy CP8 sets out the minimum energy and water efficiency standards required to be met. The Sustainability Adviser has stated that the proposals, if carried forward to detailed design stage, would mean that the development amply meets council policy CP8 and DM44.
- 9.102. The new student residential accommodation is planned to deliver carbon reduction of 11% below Building Regulations 2021, through efficient building form, good insulation; and airtightness according to Passivhaus principles, heat recovery ventilation and heating via Air Source Heat Pump.

- 9.103. Regarding the listed Manor House and Tithe Barn, a range of interventions are proposed to the listed buildings (including internal roof, wall and floor insulation, acoustic insulation, secondary glazing, and improved airtightness which could significantly reduce emissions. The Energy Statement refers to a Ground Source Heat Pump as the proposed source of heating for the listed buildings.
- 9.104. Both the student residential and the listed building refurbishment phases would need to meet the requirements of the Building Regulations 2021 including Part L on carbon emissions.
- 9.105. Renewable energy: Photovoltaics are proposed, sharing the roof space on the residential buildings with heat pump plant. This would be between 122-148 panels generating 54 kWp and an indicative roof plan is shown. No solar panels are proposed for the listed buildings.
- 9.106. BREEAM: A BREEAM New Construction Pre-assessment report is provided indicating that the student residential portion targets an 'Excellent' rating with a score of 74.5%, potentially up to 76.2%.
- 9.107. BREEAM Listed buildings: The listed buildings refurbishment targets a 'Very Good' BREEAM Refurbishment and Fit Out score of 65.2%, possibly up to 71.4%.
- 9.108. The Manor House and Tithe Barn are interconnected and taken together as one building (as indicated in the BREEAM report) have a floor area over 1,000 sqm. Policy would indicate a target of Excellent BREEAM rating unless this would harm the listed building fabric.
- 9.109. Some additional BREEAM credits which would help to bring the listed buildings up to the 'Excellent' threshold of 70% were identified by the Sustainability Adviser. The applicants were asked to carry out further investigations into achieving these credits and the potential impact on the historic building fabric. This was carried out and whilst 2 credits were identified, this would have been insufficient to secure 70% of 'Excellent'. This has accepted by the Sustainability Adviser and a condition requiring BREEAM 'Very Good' with best endeavours to achieve 'Excellent' for the listed buildings has been agreed.
- 9.110. Ventilation and overheating: Mechanical ventilation is proposed in each of the student accommodation dwellings, as well as openable windows with some shading. It would appear that a number of rooms on the 12th floor would fail the overheating assessment despite a number of mitigating measures. The development would be required to meet the requirements of Building Regulations 2021 Part O on overheating.
- 9.111. Lighting: a comprehensive and well-considered External Lighting Strategy is provided. The principles of the lighting scheme are well expressed in the designs for different spaces across the site. The whole scheme will have LED technology which will minimise energy consumption which is commended.

- 9.112. One of the principles is to minimise light spill to protect dark skies and minimise the impact on wildlife on site. This principle also needs to be applied to the lighting design in the Biosphere Garden, which will be a busy space with outdoor seating. Battery powered lights are available and it is assumed that people will turn them off when not needed but motion sensors or timers should be considered to make sure that the lights do turn off. The suitability of this busy area for bird roosts should also be re-considered.
- 9.113. It may also be advisable to install motion sensors or timer controls for the lighting to communal areas in the upper storeys of the student accommodation, to promote energy saving, to protect the SDNP Dark Sky Reserve, and to minimise disturbance to night-flying insects, bats and birds.
- 9.114. Water: Potable water demand will be minimised through specifying water-efficient fixtures and fittings, including rainwater harvesting for outdoor use. Council policy is to target maximum water usage of 110 litres/ person/ day which would be achieved but it is considered possible in a student accommodation with shared facilities, to reduce this to the industry T-100 target of 100 litres / person/ day.

Circular Economy:

- 9.115. The developers have submitted a Sustainability Statement with reference to CPP2 policy DM18 committing to meeting RIBA 2030 Climate Challenge targets to address embodied carbon emissions across the entire lifecycle of the development. The applicants' pre-demolition audit and recommendations to increase on and off-site material reuse and recycling, go beyond existing policy requirements for Site Waste Management Plans, demonstrating a clear commitment to waste and carbon reduction.
- 9.116. The Sustainability Adviser has commended the construction materials strategy is designed to (i) give priority to materials and products that demonstrate strong environmental credentials, and (ii) ensure materials can be reused and recycled across the lifetime of the building. Additionally, it is recommended that a 'lean design options appraisal' is carried out for the consideration of opportunities to conserve resources.

Other Considerations:

Ecology:

- 9.117. CPP1 Policy CP10 seeks to ensure that all development proposals conserve existing biodiversity and provide net gains for biodiversity wherever possible and minimising negative development impacts. More specifically to the application site, CPP1 Policy DA3 states that development here should deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives. CPP2 Policy DM37 requires all development to seek to conserve and enhance biodiversity, ensuring that a net gain is achieved.
- 9.118. The scheme proposes amongst other items, new tree planting, shrubs, climbing plants, a walled garden, wildflower meadow, hedge planting, biodiverse roofs, terrace green roofs, rain gardens and ponds.

- 9.119. Biodiversity Net Gain (BNG) was calculated by the applicant to be 24% however on evaluation by the County Ecologist this figure was recalculated in respect of the grassland or Manor House lawn and was reduced but the BNG has been agreed by the County Ecologist to be confirmed at a figure of 12.32% still above 10% minimum to be policy compliant. Additional nesting boxes can be added as well.
- 9.120. The applicants were asked to provide some additional information and reassurances about BNG, bats commuting habits and trees, existing ponds and artificial light spill affecting bats roosting and routes and provide some additional ecological mitigation. These reassurances have all been provided with further analysis and follow up information which has been assessed by the County Ecologist and all of the outstanding issues have been resolved. The County Ecologist has no objections and has proposed detailed designs of ecological mitigation and enhancement to be covered by planning conditions.
- 9.121. The one item which has proved to be difficult to overcome was the removal of some trees on the north/north west boundary of the site which could disrupt the green corridor. The trees have limited amenity value and are required to be moved for the site deliveries turning area near the railway tunnel. The Ecologist has accepted native understorey planting as an acceptable alternative.
- 9.122. The County Ecologist has no objections to the scheme subject to conditions to secure the biodiversity improvements and mitigate the losses.

Archaeology

- 9.123. In respect of archaeology matters, it is noted that the County Archaeologist is satisfied with the information submitted and states that there is no risk that archaeological remains will be damaged subject to applying conditions. The proposals comply with CPP1 policy CP15 and CPP2 policy DM31 in this respect.

Land Contamination:

- 9.124. The geo-environmental assessment submitted has been reviewed and accepted as a preliminary desktop study. The on-site assessment has been preliminary only. The Environmental Protection team have recommended standard conditions to manage more detailed assessment work required. The proposals would comply with CPP2 policy DM41.

Public Health:

- 9.125. The applicants have submitted a Health Impact Assessment (HIA) which has been reviewed by the Public Health team. Policy CP18 requires larger developments to set out how they minimise negative impacts and maximise positive impacts. The HIA draws together conclusions from many of the other technical reports prepared in support of the application and makes conclusions about the likely impacts of the proposal on health.
- 9.126. The Public Health team considers that the report is appropriate and includes public consultation. They have raised an issue about the report's assumptions

of where students access health care. The final fit out of the Preston Barracks development to the south includes a new medical centre which would incorporate the existing visiting GP service to the University of Brighton at its Watts campus.

- 9.127. It is acknowledged that the scheme would provide high quality accommodation for students conveniently sited close to existing academic facilities, public transport links and with good access to open space, footpaths, cycle ways and access to the South Downs National Park. Access to social facilities both within the PBSA phase and the Manor House and Tithe Barn for students and locals would be provided but the issue is raised of affordability. The Public Health team have also raised the issue of social cohesion between the groups of potential users of the facilities. Further work is also required on how the facilities will be marketed and users encouraged to use them.
- 9.128. The applicant has some background in the restoration of a public house threatened with closure and restored it and has turned it into a community facility providing a number of activities and events. It is in the applicants interests to ensure that the restored Manor House and Tithe Barn are economically sustainable and are attractive to the local community. However, it is considered that the recommendations of the Public Health team should be implemented to require a community use agreement (CUA) to ensure that access to the new facilities including the gardens and footpaths across the site, the community facility in Block D and the public café in Block A are new assets for the community of students, local residents and university employees.

Sustainable Drainage:

- 9.129. CPP1 policy CP11 states that development will not be permitted if it would increase the risk of flooding, is located in an area at risk of flooding or would create additional surface water run-off liable to harm people, property or the environment. SUDs and green roofs should be used where appropriate to minimise run-off.
- 9.130. The applicants have submitted a Flood Risk Assessment (FRA) and Sustainable Urban Drainage (SUDs) Strategy. The site is in Flood Zone 1 where the risk of flooding is low. SUDs will be used to manage rainwater at source. Surface water attenuation will be provided in the form of blue and green roofs, permeable paving, rain gardens and a soakaway. These methods will be integrated with other beneficial aspects of the scheme such as ecological enhancement.
- 9.131. The Flood Risk Manager has agreed that the proposed surface water drainage strategy includes infiltration to greenfield site rates as close as possible. The SUDs methods are acceptable including soakaway fed by green roofs, tree pits and ponds and extensive use of permeable paving. A management and maintenance plan has been submitted and is acceptable. The Flood Risk Manager has supported a recommendation for approval subject to conditions. Southern Water have raised no concerns with the proposals.

10. CONCLUSION

- 10.1. The principle of a Purpose Built Student Accommodation development is established on the site by the current development and the location within the CPP1 policy DA3 Lewes Road corridor encourages student development to support higher education and anticipates a higher density volume of development where there is good access to sustainable transport, in this case buses and the adjacent train station and good cycle lanes on the main road.
- 10.2. The scheme is a tall high density development and some concerns have been expressed about some aspects where the blocks appear to coalesce more but in the context of existing tall bulky buildings, the impacts are mitigated. The concentration of height and bulk in the south west part of the site has been dictated by the need to respect the heritage buildings on site. Careful attention to the relationship of the blocks as a group, their silhouette and good choices of materials, the design quality overcomes most concerns. The quality of design, architecture and materials is high and addresses and conforms with the main policy design criteria in CPP1 policy CP12; CPP2 policy DM18 and the Urban Design Framework (SPD17). Account of the site's context in a valley which slopes upwards towards the National Park has been taken, with careful assessment of its potential impacts on key views.
- 10.3. The proposals would respect the heritage assets on site by reducing scale and height in closer context of the Manor House. The restoration of the Manor House and the Tithe barn and their gardens and improvement of the space around them will enhance them overall and the opening up of these assets to the public would add to the heritage benefits. It is concluded that the degree of harm due to the scale of new buildings is less than substantial in terms of the NPPF.
- 10.4. The scheme has been landscape led and displays a well thought out network of pedestrian routes which have greatly improved accessibility and opened up a high quality open space and public realm for public access with enhanced landscaping including tree planting in keeping with the historic character of the location and its historic landscape setting. The public realm around the station and the perimeter of the site will be significantly enhanced as a high quality area of public space. Movement around the site will be improved for vehicles, pedestrians and cycles and parking standards set out in policy will be complied with.
- 10.5. The energy and water saving features of the proposals would amply comply with policies CPP1 CP8 and CPP2 policy DM44 in respect sustainable building design and would achieve BREEAM 'Excellent' for the new build and 'Very Good' for the listed buildings whilst striving to achieve 'Excellent'. The new buildings would provide good quality accommodation in compliance with CPP2 policy DM8 and in terms of daylight and sunlight, over 90% of student rooms would meet the BRE guidance for sunlight which is very high and towards 80% for daylight which is good taking some account of site constraints.

- 10.6. The site currently has existing high levels of ecological value and the scheme would be able to enhance it by providing a Biodiversity Net Gain of 12% exceeding minimum requirements.
- 10.7. The provision of a community use on site will offset the loss of floorspace that was in use as a children's' nursery before its closure and account is also taken of the opening up new restaurant and bar facilities to the public to enhance community provision which is supported by neighbour representations. The changes of use would provide an economic and social benefit to the locality.
- 10.8. The benefits of the proposed development are set out above in summary and it is considered that whilst there are some residual policy concerns, the overall benefits of the development would significantly tilt the balance in favour of approval.

11. EQUALITIES

- 11.1. The proposals would result in significant improvements to accessibility across the historic parcel of the site by creating the winding footpath to transition from the Manor house curtilage to the current student accommodation parcel to link with the new lane to be created. The new lift will also enable the Tithe barn to be accessible. By opening up the site as well to the public, the public benefits of accessibility to all as part of the landscape led access and movement strategy adds significant weight to supporting the proposals.

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 student rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced.
- 12.2. The site is in a highly sustainable location adjacent to the railway station and the Lewes Road transport corridor as well-being co-located with the University of Brighton thus continuing its use providing a significant provision of student accommodation. The proposed development would include green and blue roofs, bee bricks and bird boxes secured by condition, and the Bio Diversity Net Gain (already significant on site) would increase by more than 12%. The number of car parking spaces on site would be marginally reduced and the free commuter parking on QSR removed.

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. SECTION 106 OBLIGATION

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 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.
2. The proposed development fails to 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 proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of an on-site artistic component, contrary to policies SS1, SA6, CP5, CP7 and CP13 of the Brighton & Hove City Plan Part One, and the Council's Developer Contributions Technical Guidance and Planning Advice Note 10: Public Art and the Council's Public Art Strategy 2022.
4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring and compliance of the conditions and obligations associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6 and CP7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development comes forward in an appropriately phased way which enables the necessary works to take place to the Listed Building prior to the occupation of the Purpose Built Student Accommodation is occupied, contrary to policies SS1, CP2, CP7, CP12, CP15, of the Brighton and Hove City Plan Part One, DM26 and DM27 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.
6. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and travel measures and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured to provide service bays, accessible parking bays and public realm improvements, a permissive path agreement and an accessible footpath. The proposal would therefore be contrary, and would be contrary to

policies SS1, SA6, CP7, CP9, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance and the NPPF.