

<b>No:</b>	BH2017/02156	<b>Ward:</b>	MOULSECOOMB AND BEVENDEAN
<b>App Type:</b>	Full Planning		
<b>Address:</b>	2, 3, 4, 5 And 6 Pelham Terrace Brighton BN2 4AF		
<b>Proposal:</b>	Demolition of existing buildings and erection of a part 1,6, 8 and 9 storey building to form 189 student rooms (sui generis) 1no one bedroom and 4no 2 bedroom residential dwellings (C3), shared community facilities, landscaped roof terraces, plant room, cycle storage, recycling/refuse facilities and associated works.		
<b>Officer:</b>	Jonathan Puplett Tel 292525	<b>Valid Date:</b>	07/07/2017
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	06/10/2017
<b>Listed Building Grade:</b>	N/A		
<b>Agent:</b>	Simply Planning Limited 15 Buckingham Gate London SW1E 6LB		
<b>Applicant:</b>	CKC Properties Limited C/O Simply Planning Limited		

## 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 and the Conditions and Informatives as set out below:

### S106 Heads of Terms

- A Student Management Plan including move in/move out strategy.
- Occupancy restriction to students studying at a Higher Education Establishment in the City.
- A Community Use Agreement for the 'Hub'.
- A contribution of **£18,900** towards the Council's Local Employment Scheme,
- A **Construction Training and Employment Strategy** including a commitment to using 20% local employment during the demolition and construction phases of the development,
- A contribution of **£80,000** towards sustainable transport infrastructure improvements within the vicinity of the application site.
- A **scheme of Travel Plan measures** which should include:
  - Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
  - Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
  - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
  - Provide local public transport, walking and cycling maps.
- A contribution of **£241,671** towards open space and indoor sport provision.

- An artistic component / element as part of the proposed scheme to the value of **£30,000**.

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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floorplan	A-0110-S2.P0.8		27/06/2017
Proposed Floorplan	A-0119-S2.P0.9		27/06/2017
Proposed Site Plan	A-0030-S2.P0.9		27/06/2017
Proposed Site Plan	A-0010-S2.P0.9		27/06/2017
Proposed Site Plan	A-0011-S2.P0.9		27/06/2017
Proposed Site Plan	A-0031-S2.P0.9		27/06/2017
Proposed Elevation	A-0210-S2.P0.9		27/06/2017
Proposed Elevation	A-0211-S2.P0.9		27/06/2017
Proposed Floorplan	A-0114-S2.P0.12		08/11/2017
Proposed Floorplan	A-0116-S2.P0.12		08/11/2017
Proposed Elevation	A-0213-S2.P0.12		08/11/2017
Proposed Floorplan	A-0112-S2.P0.12		08/11/2017
Proposed Floorplan	A-0111-S2.P0.12		08/11/2017
Proposed Floorplan	A-0118-S2.P0.12		08/11/2017
Proposed Elevation	A-0212-S2.P0.12		08/11/2017
Proposed Floorplan	A-0115-S2.P0.12		08/11/2017
Proposed Floorplan	A-0117-S2.P0.12		08/11/2017
Proposed Floorplan	A-0113-S2.P0.12		08/11/2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Other than the terrace and balcony areas hereby approved, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

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

**Reason:** The site is located in a Source Protection Zone 1 for the supply of potable water. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

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

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

6. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

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

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

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 and CP11 of the Brighton and Hove City Plan Part One.

8. The café/Hub hereby approved shall only be open to members of the public between 07.00 and 23.00.

**Reason:** To protect the amenity of neighbouring occupiers and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan.

9. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

10. The communal outdoor terrace areas hereby permitted shall not be in use except between the hours of 09:00 and 21:00.

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

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

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

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

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

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton and Hove Local Plan.

12. No development shall take place (including demolition) until a full asbestos survey of the existing buildings, undertaken by a suitably qualified specialist, has been submitted to and agreed in writing by the Local Planning Authority. The report shall set out all findings of asbestos and a proposed methodology for the safe removal of such materials. Development shall be carried out in accordance with the approved report and the development shall not be occupied until a report containing evidence to show that all asbestos containing materials have been removed from the premises in a safe manner

and taken to a suitably licensed waste deposit site has been submitted to and approved in writing by the Local Planning Authority.

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

13. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- i) The phases of the Proposed Development including 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
  - vi) Details of the construction compound
  - vii) A plan showing construction traffic routes
  - viii) An audit of all waste generated during construction works

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

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

14. No development shall take place until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

15. i) No development shall take place (including any demolition, ground works, site clearance) shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of

Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

**Reason:** This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton and Hove Local Plan.

16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for precautionary measures to be taken for bats during demolition 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 of the proposed works;
- b) detailed design(s) and or working method(s) necessary to achieve stated objectives;
- 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 ensure that harm is not caused to bats during demolition works and to comply with Policy QD18 of the Brighton and Hove Local Plan.

17. No development shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

18. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment, June 2017 has been submitted to and approved in writing by the Local Planning Authority.

The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

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

19. No development above ground floor slab level of any part 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:
- a) Samples of all external wall and roof finishes;
  - b) Full details of all hard surfacing materials;
  - c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with Policy CP12 of the Brighton and Hove City Plan Part One.

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
- Reason:** To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

21. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the floors and walls between residential/student units and the public/communal/plant room/service areas of the building, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.
- Reason:** To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.

22. No development above ground floor slab level of any part of the development hereby permitted shall take place until a written scheme on how and where ventilation will be provided to the residential/student accommodation hereby approved, including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality, and shall provide a fresh air source to future occupiers which does not require the opening of windows facing onto / close to Lewes Road.

**Reason:** To ensure future occupiers benefit from a good standard of amenity and do not suffer undue noise disturbance, to provide fresh air to all future occupiers, and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

23. Prior to first occupation of the development hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, to ensure that disruption to bat activity is not caused, and to comply with policies TR7, QD18, QD25 and QD27 of the Brighton and Hove Local Plan.

24. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;
- b) Details of all boundary treatments including screening of roof terrace areas;
- c) Details of all proposed planting to terrace areas, green walls and roofs.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

25. Notwithstanding the submitted details, prior to first occupation of the development hereby permitted, details of areas of green roofs and green/living walls shall, including details of their construction shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs / walls shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To mitigate for the proposed removal of trees on the site, to ensure that the development contributes to ecological enhancement on the site, the visual amenities of the area, and to the improvement of air quality in an Air Quality Management Area, and to comply with policies DA3, CP8, CP10, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, policies SU9 and QD5 of the Brighton and Hove Local Plan, and the guidance set out in SPD11 'Nature Conservation and Development'.

26. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site, including the type, number, location and timescale for implementation of the compensatory bird / bat boxes and/or bricks, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained,



other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD18 of The Brighton and Hove Local Plan, Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

28. Prior to first occupation of the development hereby permitted, details of:

- a) secure cycle parking facilities for the occupants of, and visitors to, the development;
- b) a scheme setting out highway works to implement a continuous footway on Lewes Road in front of the site which shall include the resurfacing of the footway;

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried, and the approved facilities shall be fully implemented and made available for use, prior to the first occupation of the development and shall be retained as such thereafter.

**Reason:** To ensure that satisfactory facilities are provided and to comply with policies TR1, TR7, TR19 and QD3 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.

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

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

30. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

31. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

32. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development (including the student studios) hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

33. The five residential dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the Building Control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton and Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health and Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. In regard to Condition 25, the applicant is advised that in order to mitigate for the proposed removal of trees on the site, to ensure that the development contributes to ecological enhancement on the site, the visual amenities of the area, and to the improvement of air quality in an Air Quality Management Area, the Local Planning Authority expects that substantial areas of living/green walls will be provided, beyond that which is detailed in the application submission.

## **2. SITE LOCATION and DESCRIPTION**

- 2.1 The application site is 1790m<sup>2</sup> and is currently occupied by a terrace of three houses, a former public house and garden (The Lectern), a single storey building currently occupied by a convenience store, and single storey buildings to the rear of the convenience store which are now vacant previously occupied by a car sales business. The site lies within the DA3 Development Area (Lewes Road Area) identified in the Brighton and Hove City Plan Park One. The site also lies within a Ground Water Source Protection Area (Zone 1), and an Archaeological Notification Area.
- 2.2 As set out in Section 3 below, a large redevelopment scheme involving sites to the north of the application site (Preston Barracks and Mithras House) has been recently determined at Planning Committee (September 2017).

## **3. RELEVANT HISTORY**

- 3.1 No relevant planning permissions relating to the application site.
- 3.2 An application was made to list the Lectern as an Asset of Community Value (ACV) in August 2015 and the ACV status of the public house was confirmed in January 2016.

A review of the ACV listing was requested in April 2016 and an informal hearing was held by the Council on 29 April 2016. The decision to maintain the ACV listing was made in May 2016.

3.3 Pre application discussions relating to the proposed development commenced in May 2016. A series of pre-application meetings, design review panel discussion and an informal presentation to Planning Committee members were made between January 2017 and April 2017 to inform development proposals for the site. The proposed development design has evolved significantly over this period.

3.4 **Neighbouring sites**

**Preston Barracks / Mithras House / Watt Building**

**BH2017/00492:** (Full application) Preston Barracks Parcel Demolition of existing buildings and construction of (B1) 7 storey Central Research Laboratory, Student Accommodation (Sui Gen) within 3 blocks of 13, 11 and 15 storeys, 369 (C3) residential units in 8 Blocks with a range between 2 and 10 storeys with associated ancillary development, parking, public realm works and landscaping. Mithras Parcel Demolition of existing building (Steam House) and construction of a mixed use Campus Development consisting of Student Accommodation (Sui Gen cluster flats) providing 804 bed spaces within five blocks, Block 1 (10 storeys), Block 2 (18 Storeys), Block 3 (10 storeys), Block 4 (12 storeys) and Block 5 (9 storeys), 596 sq. m of services including students union and welfare facilities (Sui Gen), 898 sq. m (GIA) gymnasium (D2), and associated ancillary development, including provision of 13 disabled parking spaces serving the student accommodation, cycle parking, public realm works and landscaping improvements. Lewes Road Installation of new signalised crossroads and T Junction, pedestrian crossings and footway improvements, erection of pedestrian and cyclists bridge crossing Lewes Road.

3.5 (Outline Application) Watts Parcel Removal of existing Watts House temporary building and erection of a 6 storey (D1) Academic Building for a Business School consisting of 6,400 sq. m of floorspace, linked canopy and provision of 551 space multi storey car park to the rear (maximum 8 storey equivalent height) with associated ancillary development, including provision of cycle parking, access and servicing road, public realm and landscaping improvements.

3.6 Determined as 'minded to grant' subject to completion of s106 legal agreement at Planning Committee meeting of 27/09/2017.

3.7 **1 Pelham Terrace ('Carpetright' and flats above)**

**BH2004/00256/FP:** Creation of one additional one-bedroom flat at fourth floor level on east side in place of terrace (amendment to application ref: BH2002/01895/FP). Approved 19/03/2004.

3.8 **BH2002/01895/FP:** Redevelopment of disused petrol station and retail car workshops to create 36 residential units including 14 for a local Housing Association and a ground floor retail shop together with 17 parking spaces and service area. Approved 26/06/2003.

**4. THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of all buildings on the site and the removal of trees and clearance of the garden to the rear of the former public house, to be replaced with a nine-storey building comprising at ground and first floor communal facilities for residents and partially open to the public including a 'Community Hub', from first floor to seventh floor student accommodation comprising 189 studios, and at ninth floor, four two-bedroom residential units and one one-bedroom unit are proposed. Roof terrace areas are proposed at first, sixth and eighth floor levels.
- 4.2 The main form of the building would be finished in a light coloured brick over a fully glazed two storey base along the northern half of the plan, set back at an angle at the north-west corner of the building, the entrance to the building sitting below a second floor triangular cantilever. The ground floor level of the building covers almost the entire site (other than the set in corner), the upper floors of the building have an L-shaped floorplate and various elements of the building are set down / back to break up the bulk of the structure and provide a transition to the development to either side of the site on Lewes Road.
- 4.3 The design of the proposed building has evolved during pre-application discussions and in response to the advice of Design South East's Review Panel.

## **5 PUBLICITY and CONSULTATIONS**

### **5.1 External**

#### **Neighbours:**

**Twenty-three (23)** letters of representation have been received objecting to the application for the following reasons:

### **5.2 Community mix**

- The area is already overpopulated with students. Three new student blocks have recently been built/are being built, plus Preston Barracks/Mithras House. We do not want any more students; family homes should be built. Families are being driven out of the area.
- What is needed is a mix of peoples in the area and the proportion of students is already too high.
- Over time the area has become, we believe mainly due to students, an unfriendly congested, dirty and noisy place.
- The development is not needed; there are already other student blocks under construction in the area.
- Whilst the need for more student accommodation near to the Universities is understood, this type of accommodation does little to improve the overall ambience or economy of the area.
- The Coombe Road area is losing its identity and turning into a campus.
- This was a family orientated residential community some 18 years ago but families no longer wish to stay and continue to live in a purpose built student community.

### **5.3 Loss of the public house / community use**

- The pub building is handsome and the pub could be operated in a way which would benefit the surrounding community including students.
- The pub is registered as an Asset of Community Value as it provided a meeting place, somewhere to go and have a drink, and a potential space for community events and meetings.
- Whilst the development proposes community space it does not preserve or replace the green space / garden to the rear of the public house which is part of the ACV designation.
- The proposal should include a ground floor café/bar.

#### **5.4 The proposed student accommodation**

- There is no evidence that purpose built student studios reduce the number of students in the surrounding areas. Especially the proposed accommodation is different in nature the HMOs throughout the Coombe Road Area - high specification, studios instead of low cost communal living.
- The proposed accommodation will be 'high-end' and not affordable for 98% of students.
- University of Brighton's numbers are dropping, University of Sussex is not expanding, both Universities are building their own accommodation; demand for purpose built accommodation will drop and this development will contribute to an oversupply.
- The development is out of keeping and unnecessary, as the area already has 500 student flats built on the gyratory and the agreed application of 800 student flats at Preston Barracks site. These developments are adding to the 'studentification' of a residential area and bring nothing to the local community, but undermine the fabric of the community as we lose the infrastructure of shops and pubs, to hundreds of flats without any parking facilities or social infrastructure to meet increased need.

#### **5.5 Design**

- The proposed building would exceed the height of neighbouring buildings in the vicinity.
- The proposal would appear as an insensitive blot on the landscape.
- The local area has lost many aesthetically diverse buildings and the loss of The Lectern would further reduce its cultural heritage.
- The proposed design is mediocre.
- The proposed building is too large and would be imposing.

#### **5.6 Neighbouring amenity**

- Neighbouring flats would be overlooked and overshadowed by the proposed building.
- The view / outlook from neighbouring flats would be further enclosed.
- Occupants of the proposed development would generate noise disturbance.
- The proposed plant room would generate noise disturbance.
- The proposed building is too tall and too deep. A new building should be no more than one storey taller than the existing.

- The value of flats within the Deco building would be reduced.
- The northern part of the Deco building suffers damp and the proposed building would block sunlight and make this worse.
- The development is close to the roads opposite another block therefore could cause a wind tunnel

### 5.7 **Transport / Parking**

- On-street parking is in high demand and this development, in conjunction with those which have taken place and are now taking place, will make this worse.
- The developers have said part of the contracts of these rooms is that students cannot bring a car with them, this is not legally binding and they will bring their cars and park them in the surrounding roads.
- The proposed development would result in additional traffic and pollution on surrounding streets; there are already long queues at peak times.

### 5.8 **Building works**

- The proposed building works would generate noise and dust; neighbouring windows would have to be kept closed.

### 5.9 **Other**

- The amount of rubbish from the student homes that constantly litters our streets is absolutely disgusting, some days you are literally walking through the mire.
- The local community would dispute that we were properly consulted – the developers chose to show the plans in Meadowview Community Centre which is at the top of Coombe Road and inaccessible to most residents in the area.

5.10 **Two (2)** letters have been received supporting the application for the following reasons:

- The city would benefit from more purpose built student accommodation; this could help to attract more students who make a valuable contribution to the city.
- More purpose built accommodation could reduce demand for HMOs which cause residents problems and create challenges for the Council.
- The development would help to modernise the area.
- The development would benefit the city in terms of income, jobs, new housing stock and a greater availability of student accommodation.

5.11 **One (1)** letter has been received making the following comments:

- At the consultation meetings held by the developers, I felt they had a very casual attitude to pollution. I would hope that the planning department will ensure a 'gold standard' system to benefit the users.
- The developers have planned local resident use of the cafe and meeting room. The Lectern Pub has the only green space in the area. If the developers linked

the cafe to the outside space at the rear and provided some play equipment this could encourage local resident use.

5.12 **Consultees**

**External**

5.13 **Brighton and Hove Archaeological Society: Comment**

The area of the proposed development has been severely terraced in the past. The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development. However, it is possible that The County Archaeologist has information not available to this Society. The society would suggest that you contact him for his recommendations.

5.14 **County Archaeologist: Comment**

The proposed development is within an Archaeological Notification Area defining an area of 18th and 19th century settlement, which includes a large military barracks complex.

5.15 Historic maps indicate that the proposed development site once contained a Wesleyan chapel, an inn known as the Royal Hussar, and still contains a row of late 19th century houses. The more modern history and development of this site is comprehensively discussed in the applicant's heritage assessment, although this sadly omits any discussion regarding archaeology.

5.16 The proposals will impact archaeological remains relating to:

- Extant historic buildings (it is therefore important no demolition commences before an archaeological written scheme of investigation is agreed)
- Below ground remains relating to former buildings on this site
- Below ground remains relating to earlier occupation of this area of Brighton

5.17 The existence of a Wesleyan chapel raises a potential for human burials, which are often associated with these chapels.

5.18 It is recommended that a programme of archaeological works be secured by planning condition.

5.19 **Southern Water: Comment**

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

5.20 The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

5.21 Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall



increase in flows into the combined system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

- 5.22 Should the Local Planning Authority be minded to approve the application, Southern Water recommends that full details of the proposed means of foul disposal be secured by planning condition.
- 5.23 It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
- a) An Adequate soakaway or infiltration system
  - b) Water course
  - c) Where neither of the above is practicable sewer
- 5.24 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.
- 5.25 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme
  - Specify a timetable for implementation
  - Provide a management and maintenance plan for the lifetime of the development.
- 5.26 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.27 Conditions and informatives are recommended.
- 5.28 **Sussex Police: Comment**  
Advice on security measures is provided including-

It is noted from the Design and Access Statement submitted in support of the application, the applicant understands of the need for separation of the residential element of the scheme from the community hub / café complex. This is extremely important in order to provide a degree of privacy, safety and security to the student / residents; this will be achieved by implementing access control throughout the development where applicable. Recommend using accredited products where necessary for doors and windows.

5.29 **Environment Agency:** No comments received.

5.30 **Internal**

**Planning Policy: Object**

Public houses are classified as community facilities and Policy HO20 applies. No information has been provided to justify the loss of the pub under this policy. Whilst it is noted that a 'community hub' providing a café, library, and meeting area is proposed, the applicant will need to demonstrate that the public house is 'not needed' in making a case that criterion (d) applies. If this can be demonstrated, then the provision of the proposed alternative community use would allow an exception to Policy HO20 to be considered using this criterion. It is suggested that viability evidence and marketing information demonstrating robust efforts to market the premises for ongoing use as a public house is provided in this regard.

5.31 The site is within easy walking distance (approximately 410m) of the Lewes Road District Centre and a new supermarket is proposed in the retail park directly opposite the site. No policy concerns are therefore raised under Policy SR8 with regard to the loss of the current retail unit.

5.32 The principle of Purpose Built Student Accommodation (PBSA) on the site is acceptable; however City Plan Policy CP21 part (i)/A/6 requires new purpose built student accommodation to have a formal agreement with one of the city's two universities or other existing educational establishment within Brighton and Hove. No information has been provided to demonstrate compliance with this part of the policy.

5.33 **Heritage:**

The site does not include any listed buildings and is not within a conservation area. The Round Hill conservation area is c600m south-west of the site. Round Hill is a largely residential late Victorian area notable for its long terraces of houses on rising ground with long views to the Downs to the east. Two of the grander groups of terraces in Round Hill Crescent are grade II listed. The terraces closest to the site are more modest two storey terraces. The conservation area has a strong relationship with the downland topography and there are important views to the Downs in the distance. The Round Hill Conservation Area Character Statement notes that "it is in the long views of the conservation area that its greenness can be appreciated - a characteristic not evident from the streets within the area". Woodvale Cemetery, which is a grade II registered park and garden, is c600m to the south-east of the site.

5.34 The site does not contain any locally listed buildings or other identified non-designated heritage assets. Numbers, 2, 3 and 4 Pelham Terrace are modest 2 storey terraced house in gault brick and render dating from c1891, typical of the period but somewhat altered. Adjoining to the north is the former Lectern public

house of c1927 for Tamplins Brewery and likely to have been an 'improved public house'. It has some architectural and historic interest but is architecturally unassuming compared to similar public houses of the period.

- 5.35 The site does lie within an Archaeological Notification Area.
- 5.36 There is no heritage objection to the proposed redevelopment of the site and it is noted that the site falls within an area identified in policy CP12 and in SPGBH15 as having the potential to accommodate taller buildings. The submitted Townscape, Landscape, Visual and Heritage Assessment clarifies that a building of this scale, height and massing would cause no harm to the setting of any of the heritage assets within 600m or so of the site. The development would be visible from some elevated viewpoints in the Round Hill conservation area but would appear within the context of the existing urban built development; it would not impact on the skyline or on views of the distant downland and would not affect the sense of 'greenness' in long views referred to as important in the Round Hill Conservation Area Character Statement.
- 5.37 **Economic Development: Comment**  
City Regeneration has no adverse comments to make regarding this application.
- 5.38 Priority area DA3 of the City Plan Part One highlights the need to enhance the offer for HE students studying at the city's two universities including access to suitable accommodation, freeing up family-sized homes which have increasingly been used as HMOs for students in this area, but are also in high demand due to the shortage of social and affordable housing for families generally. A key element to this application is the demolition of the former Lectern public house. This building has not served as a public house for some years and has been boarded up for some time following a period of being put to alternative use by the University of Brighton. The Cost Cutter supermarket would face serious competition once the Aldi supermarket is completed on the Pavilion Retail Park opposite.
- 5.39 Should this application be approved City Regeneration requests the submission of an Employment and Training Strategy in respect of the demolition phase of the development and a more comprehensive strategy in respect of the construction phase, to be submitted at least one month prior to site commencement, highlighting how the development will provide opportunities for employment and training for local people. Also, if approved, in accordance with the council's Developer Contributions Technical Guidance, City Regeneration requests a contribution of £18,900 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contributions are based on the information provided in the planning application and supporting evidence.
- 5.40 **Environmental Health: Comment**  
The submitted land contamination report raises a number of queries. The report does demonstrate that the site is safe for development, but it is unclear whether the remediation measures outlined are a requirement for its safe end use, which therefore need to be conditioned, and verification report submitted before occupation.

- 5.41 Sound insulation measures (higher specification glazing) and ventilation measures are required to ensure future occupiers do not suffer noise disturbance. Compliance with BS8233:2014 standards should be secured by condition.
- 5.42 The hours within which deliveries and (refuse) collections can take place should be controlled by condition.
- 5.43 Sound output from any plant and machinery to be installed should be restricted by condition.
- 5.44 Increased sound insulation should be placed between the communal areas and student rooms in order to ensure BS8233:2014 levels are achievable in bedroom once the whole premises is in use; sound insulation within the building should be secured by condition.
- 5.45 A CEMP should be secured by planning condition.
- 5.46 **Further comments 13/11/2017 and 28/11/2017 based upon additional information re land contamination:**  
It is recommended that the full land contamination condition be applied to secure full details of any required mitigation / protective measures, conditions are also recommended to control / mitigate a number of other issues.
- 5.47 **County Ecologist: Comment.**  
Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity, in particular bats. The site comprises scattered scrub, scattered trees, amenity grassland, introduced shrub, buildings and hard standing, and is of relatively low ecological value, but with the potential to support protected species.
- 5.48 **Bats**  
All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Two buildings could not be accessed for assessment (numbers 2 and 3 Pelham Terrace), but from the information available, support features that offer potential for roosting bats. The former pub (5 Pelham Terrace) was assessed as offering moderate to high potential for roosting bats. The Costcutter building (6 Pelham Terrace) was assessed as having low bat roost potential. Further surveys are required to assess use of the site by bats and to inform appropriate mitigation, compensation and enhancement.
- 5.49 Minimum recommended survey effort for a structure with low bat roost potential is one dusk or dawn survey, and for a structure with high bat roost potential is three separate survey visits; one dusk, one dawn and the third either dusk or dawn. Surveys should be carried out between May and September with at least one for each building between May and August. Surveys should be carried out in accordance with best practice guidelines (BCT, 2016). Numbers 2 and 3 Pelham Terrace should be assessed for their potential to support bats and surveys scheduled accordingly.
- 5.50 **Breeding birds**

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

**5.51 Other species**

The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

**5.52 Mitigation Measures/Enhancement Opportunities**

Notwithstanding mitigation measures that may be required for bats, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of a green (biodiverse) roof and walls, the provision of bird and bat boxes and the use of species of known value to wildlife in the landscape scheme.

**5.53 Further comments 23/11/2017 based upon additional information re bat surveys carried out in August 2017:**

I have considered the additional information submitted in relation to the above application, specifically the Bat Survey Report (Phlorum, September 2017). I refer also to a recent telephone conversation with Jack Kellett of Phlorum.

- Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- There was no evidence of bats roosting in buildings on site, and bat activity on site was low, with the only species recorded being common pipistrelle. Bats were recorded commuting across the site, and the boundary habitats, particularly the eastern boundary, are used for commuting and possibly foraging.
- Although not mentioned in the report, it is understood that the loft spaces of properties 2 and 3 were boarded up, and as such, access into the roof voids could not be gained. However, the boarding up was relatively recent, and the rear of the buildings is well lit. In light of that, and the fact that there was very low activity recorded across the site, with the first calls registered nearly an hour after sunset, the likelihood of a roost being present is low and no further surveys are required. The buildings do, however, retain some potential roosting features. It is therefore recommended that a precautionary approach is taken to demolition whereby potential features are soft stripped by hand under ecological supervision.
- Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended that lighting levels should be kept to a minimum and lighting design should take account of national guidance. In particular, boundary habitats, especially the eastern boundary, should be kept dark, particularly during peak activity periods.

- Bat boxes and/or bricks should be provided on site as recommended in the bat survey report.
  - Advice provided on 31/07/17 relating to measures for other protected species and for enhancement of the site for biodiversity remains valid.
- 5.54 In summary, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective. Opportunities to enhance the site for biodiversity should be sought to address the Council's duties and responsibilities under the NERC Act and the NPPF.
- 5.55 **Sustainable Transport: Comment**  
No objections to this application subject to the inclusion of the necessary conditions and the recommended S106 contribution.
- 5.56 Required conditions:
- Full details of appropriate cycle parking
  - Scheme of highway works to implement a continuous footway on Lewes Road in front of the site which shall include the resurfacing of the footway.
  - Construction Environmental Management Plan (CEMP)
- 5.57 S106 requirements:  
Contribution of £80,000 which shall go towards:
- Shelter and Real Time Passenger Information sign at Bottom of Coombe Road bus stop Meadow View bound
  - Shelter, Real Time Passenger Information sign and accessible kerb at Bottom of Coombe Road bus stop City Centre bound
  - Consultation and implementation on a Controlled Parking Zone in the local vicinity and implementation if supported by local residents
- 5.58 The need to provide Residential Travel Information Packs for the occupant of each first residential unit which include the following measures:
- Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
  - Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
  - Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
  - Provide local public transport, walking and cycling maps.
- 5.59 The need to produce a Student Management Plan which includes the move in and out strategy including the following measures:

- Alternative, sustainable modes of travel to the site shall be promoted including the use of train, bus, coach and taxi before details of car travel
- Residents will be allocated a specific date and time on which they are permitted to move in or out of their accommodation and which clearly specifies their time slot
- Provision of a secure room at ground floor level to speed up the move in move out process.
- An information pack will be provided to all students detailing the move in and out process and will also include the location of nearby car parks/parking locations so that parents/students can park prior to and after loading their belongings into the building.
- That during the move in move out period that additional staff is on hand to assist with the process and ensure safe and legal loading/un-loading is taking place.

5.60 **Public Art: Comment**

An artistic element / component to the value of £30,000 should be secured to comply with Policies CP5, CP7 and CP13.

5.62 **Sustainability: Comment**

There are five residential units proposed on the top floor, they are expected to share the same heating strategy and be incorporated into the BREEAM assessment. Their performance individually is expected to achieve a 19% reduction against Part L1a 2013 given the use of CHP.

5.63 The Student Halls are targeting BREEAM Multi Residential 'Excellent' standard.

5.64 The scheme has addressed policy CP8 with some positive measures. These include a robust response to energy requirements: passive design measures; heating strategy based on Gas CHP (20Kw) providing onsite heating provided through a communal system, with energy plant that will have capacity for connection to a heat network; MVHR; efficient thermal building fabric. In addition the scheme proposes approaches to increase biodiversity and address urban heat island with green walls (20sqm) and green roofs 826 sqm (sedum). Sustainable drainage systems incorporated into scheme; 996sqm of residential garden created (though 747sqm lost giving net contribution of 249sqm).Capacity for 126 cycle parking.

5.65 Plans are silent on the following and could be improved by considering incorporation of renewable energy; additional tree planting; rainwater harvesting; food growing; electric vehicle charging.

5.66 The Momentum scheme includes a site wide gas CHP based heat network. Efficiencies could be achieved by connecting the application scheme to the Preston Barracks heat network proposed in application BH2017/00492

5.67 Energy and water consumption standards should be secured by Planning Condition.

5.68 **Flood Risk Management Officer: Comment**

Recommends conditions securing details of the proposed drainage strategy.

5.69 **Arboriculture: Object**

The loss of mature trees from this site and the minimal provision of soft landscaping will be detrimental to this area of the Lewes Road; the arboricultural team therefore recommend that consent is refused.

5.70 **Air Quality:** Awaiting full comments.

5.71 **Housing Strategy:** No comments received.

5.72 **Education:** No comment received.

## **6. MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

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

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton and Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7. RELEVANT POLICIES and GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton and Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- DA3 Lewes Road Area
- SA5 The South Downs
- SA6 Sustainable Neighbourhoods
- CP1 Housing delivery
- CP4 Retail Provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk



CP12 Urban design  
CP13 Public streets and spaces  
CP14 Housing density  
CP15 Heritage  
CP16 Open space  
CP17 Sports provision  
CP18 Healthy City  
CP19 Housing mix  
CP20 Affordable housing  
CP21 Student Housing and Housing in Multiple Occupation

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
TR19 Parking standards  
SU3 Surface Water Drainage  
SU5 Surface water and foul sewage disposal infrastructure  
SU9 Pollution and nuisance control  
SU10 Noise nuisance  
QD5 Design - street frontages  
QD7 Crime prevention through environmental design  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO8 Retaining housing  
HO13 Accessible housing and lifetime homes  
HO19 New community facilities  
HO20 Retention of community facilities  
HO21 Provision of community facilities in residential and mixed use schemes  
SR8 Individual shops  
SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)  
HE3 Development affecting the setting of a listed building  
HE6 Development within or affecting the setting of conservation areas  
HE10 Buildings of local interest  
HE11 Historic parks and gardens  
HE12 Scheduled ancient monuments and other important archaeological sites

Planning Briefs

Lewes Road (Preston Barracks and University of Brighton) Planning Brief 2011  
Preston Barracks Development Site Schedule 2014

Supplementary Planning Documents:

SPD06 Trees and Development Sites

SPD11 Nature Conservation and Development  
SPD14 Parking Standards

Supplementary Planning Guidance:

SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

SPGBH15 Tall Buildings

Planning Advice Notes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

Developer Contributions Technical Guidance (March 2017)

## **8. CONSIDERATIONS and ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of the former Public House and garden, dwellings, retail unit and car sales unit, the proposed Community Hub / café, student accommodation and residential units, design, impact on street scene and wider views, heritage assets and the South Downs National Park, standard of accommodation, neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology / biodiversity including impact upon protected species (bats).

### **8.2 Background**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a supply of 4386 units over five years which equates to a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

### **8.3 Principle of Development**

The site as a whole lies within an identified development area (DA3). The Development Area (Lewes Road) has been identified as being suitable for some student accommodation for attendees of the Universities including on specific sites. No. 6 Pelham Terrace is identified in the Council's Strategic Housing Land Availability Assessment as having the potential to deliver 6 dwellings.

8.4 It is proposed that all of the buildings on the site be demolished; therefore the loss of these buildings / uses, which are subject to protective planning policies, must be considered.

### **8.5 Loss of existing uses**

The uses of the existing buildings on the site are as follows:

- Nos. 2, 3 and 4 Pelham Terrace are single dwellings. No. 2 has a license to be occupied as a three-person HMO (granted 07/11/2013).

- No. 5 Pelham Terrace is the former ‘Lectern’ public house which includes function rooms and a staff flat at first floor level, and a garden area to the rear.
  - No. 6 Pelham Terrace is a single storey 241m<sup>2</sup> retail unit (currently occupied by ‘Costcutter’).
  - No. 6A Pelham Terrace, comprising single storey buildings and a yard to the rear of no. 6, is registered for business rates purposes as a 116m<sup>2</sup> car showroom and premises.
- 8.6 The demolition of these buildings would result in the loss of four dwellings in the form of three houses and the staff flat for the pub. As part of the development four two-bedroom flats and a one-bedroom flat are proposed at eighth floor level, two of which have balcony areas and a communal terrace area is proposed. Whilst these units would not represent direct replacements of the types of accommodation which would be lost, there would be no net loss of units, and therefore the scheme does not conflict with policy HO8 which seeks to resist development which would result in a net loss of residential units. Furthermore the proposed two bedroom units could function as small family units for which there is a need for in the city.
- 8.7 The loss of a retail unit must be considered having regard to policy SR8 of the Brighton and Hove Local Plan which states that:
- 8.8 Planning permission for changes of use of individual shops from Class A1 use will be permitted provided all of the following criteria are met:
- a) The shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
  - b) It has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and
  - c) The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.
- 8.9 The site is approximately 400 metres north of the Lewes Road district centre and a retail park is in situ opposite where a supermarket is soon to open. The application submission does not put forward a detailed case relating to criteria (b). In many cases a retail unit may have been vacant for a period and may have been marketed with no firm interest expressed. In this case the unit is occupied however the case is made that the current occupier is suffering poor trade and significant investment would be required to bring the unit up to modern standards for a new occupier. It is acknowledged that the unit is in close distance to the main Lewes Road centre and will soon face further competition from a supermarket on the western side of Lewes Road. Overall it is considered that the loss of the retail unit has not been fully justified, however its loss must be considered as part of an overall assessment of the development which offers substantial benefits including an active frontage and publically accessible café and meeting spaces.
- 8.10 The loss of the car showroom use, which now appears to be vacant, is not directly contrary to local development plan policies, the loss of an employment generating use is regrettable however it is noted that the staffing of the proposed use would generate employment.

- 8.11 The former Lectern public house is classed as a community use and therefore its loss is considered having regard to policy HO20. Furthermore the public house and its garden are registered as an Asset of Community Value (ACV) which is a material consideration to which significant weight is given.
- 8.12 Policy HO20 of Brighton and Hove Local Plan seeks to retain community facilities. However it recognises that a site in community use may no longer be needed and specifies four exceptions that may apply which are as follows:
- a) The community use is incorporated, or replaced within a new development; or
  - b) The community use is relocated to a location which improves its accessibility to its users; or
  - c) Existing nearby facilities are to be improved to accommodate the loss; or
  - d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.
- 8.13 Where an exception (a-d) applies a priority is attached to residential and mixed use schemes which may provide 'live-work' and/or starter business units to meet identified local needs.
- 8.14 The application submission explains that in 2014 the Lectern Pub was assessed by the former owners 'Enterprise Inns' to be no longer viable as an existing operation, given both the decline in customer numbers over recent years and the considerable amount of investment that would be required to refurbish the pub and bring it up to a more modern standard. For these reasons the property was put up for sale and purchased by the Applicants in January 2015.
- 8.15 An application was made to list the Lectern as an Asset of Community Value (ACV) in August 2015 and was allowed in January 2016. A review of the ACV listing was requested in April 2016 and an informal hearing was held by the Council on 29 April 2016. The decision to maintain the ACV listing was made in May 2016.
- 8.16 Since the applicants purchase of the property in 2015 the public house has been marketed and there have been approximately 36 enquiries over the last 18 months. The Asset of Community Value (ACV) promoters expressed an interest in the building as a pub, along with one other response from another party but they did not materialise given the substantial costs of refurbishment. Other enquiries were for a mixture of other uses or they did not disclose any information regarding the intended use.
- 8.17 The application submission sets out that the applicants recognise the importance of incorporating a community use within the proposed building to re-provide community facilities. From an operational perspective the applicants considered that a replacement pub would not be viable alongside the proposed student residential use of the site, given the potential impact this could have on residential amenity. However a Community Hub incorporating a range of flexible facilities that would be accessible to both the local community and students living in the student studios was considered to be a good alternative which the applicants consider would address policy requirements. The applicants state that more recent discussions have taken place

with the Local Action Team focused on the type of facilities that could be provided within the community hub and how these facilities would meet the needs of the local community.

- 8.18 These explanations provide useful background re the formulation of the application proposal and the timeline relating to the former public house use. The proposal to incorporate a community use into the redevelopment scheme is welcomed and it is of particular benefit that the applicant is seeking to incorporate a use which could provide some of the amenities (e.g. meeting / function rooms, and an informal meeting space / café) which the public house did when it last functioned.
- 8.19 It must however be acknowledged that the public house as a community use would be lost. A public house serves a specific function as it provides a meeting point and a social event for local residents, and specific activities / attractions which a public house can offer may not form part of the replacement use. It is the specific public house use which is/was valued by local residents and it is this use which has been registered as an Asset of Community Value.
- 8.20 The loss of a public house use is however mitigated to some extent if there are other public houses in the immediate area which can serve a similar function. In this case, the nearest public houses to the site are 'The Bear Inn' 400 metres away and 'The Gladstone' 500 metres away, both to the south of the site. These establishments are within walking distance of the application site and may serve to provide many of the amenities which The Lectern previously did in conjunction with these establishments. Whilst it is acknowledged that the community value the Lectern as a public house (and garden) in its own right, the fact that there are remaining public houses within walking distance of the application site makes the loss of the public house a lesser concern than if it were the last such use in an area / neighbourhood.
- 8.21 In that context, it is considered that a replacement community use (other than a public house) could satisfy the requirements of policy HO20 to some extent.
- 8.22 The proposed Community Hub would be located on the ground floor of the building and consists of shared spaces including a café, library, working areas and adaptable meeting rooms. This community hub will be open to both students and the local community. The hub is of a considerable size; 720m<sup>2</sup> which compares to the existing public house at approximately 400m<sup>2</sup>. It is acknowledged that the hub is likely to be well used by student occupants of the building but it is clear that this space could be of considerable benefit to the community as an amenity, providing an informal meeting place and potential venue for holding events and more formal meetings. Furthermore the potential for students and non-students to share the same space is welcomed and could assist to some extent in forming a more cohesive / inclusive community.
- 8.23 Overall, whilst the loss of the public house and garden, which the community value as a use in itself and have registered as an Asset of Community Value, is regrettable, in this case there are significant mitigating factors in the form of other public houses in close proximity to the application site which remain active, and the Community Hub which is proposed as part of the development. In this context it is considered that the loss of the public house and garden does not warrant refusal in this case. Full details

of the operation of the Community Hub and its retention as a community facility open to the public are recommended to be secured by a Community Use Agreement secured through planning legal agreement.

**8.24 The proposed uses**

**The proposed Community Hub / café**

The proposed Community is a welcome element of the scheme and offers some mitigation of the loss of the public house.

8.25 The applicant's submission provides the following description of the envisaged operation of the Hub:

8.26 The key objectives for the Hub are to:-

- Provide a social meeting place for local residents, primarily within the Moulsecoombe and Bevendean wards.
- Integrate the community of students and local residents.
- Create an environment that provides flexible amenities, to meet different needs of students and the local community, that encourage social interaction and collaboration.
- Create a co-working and meeting space for residents who require flexible working facilities.

8.27 The Hub space comprises three meeting rooms, a quiet lounge/library area, dedicated co-working, open plan lounge and a café. This provides a range of freely accessible space providing free WiFi which could be used on a daily basis as a place to meet, alongside rooms that could be available to hire for events, networking activities and use by local groups and clubs. The applicant has considered charge rates to cover overheads for the meeting spaces and anticipate this would be approximately £10 per hour plus VAT for the small rooms and £30 per hour plus VAT for the double rooms. This would include free WiFi and audio visual facilities. Catering for the community meeting spaces would be provided by the cafe and the space would be managed by a specific Hub management company.

8.28 Co-working desks that can be used by students, residential and business community would be available for a daily or monthly fee, depending on usage (there will be no charge to students as this will form part of their tenancy agreement). The lounge would be a soft-seating, more relaxed social area for students, local residents and co-workers. This area would be open to the public and students to encourage a community social and meeting place. The Hub Café would serve hot and cold drinks and light snacks. Initially, the Hub would be open five days a week from 0830 – 1800. Meeting rooms and space can be booked outside of these hours and at weekends on request.

8.29 The philosophy of Hub is to integrate the local community with resident students and offer a place to meet and socialise. The key will be incorporating a work and social space that can be used by different groups in the community. The Hub will also aim to create the Hub Community Initiative, including a volunteer programme with the local community.

- 8.30 It is considered that the description of the proposed café/Hub is that of an appropriate community / public facility which would serve some of the functions which the public house did previously, and the nature of the operation and its retention as a facility open to the community can be secured by planning legal agreement.
- 8.31 **The proposed student accommodation / facilities**  
Policies DA3 and CP21 both envisage purpose built student accommodation coming forward along the Lewes Road corridor, primarily on identified site but non-identified sites may also provide suitable locations for such accommodation in close proximity to University teaching accommodation.
- 8.32 Policy CP21 sets out that:
- 8.33 The council will encourage the provision of purpose built accommodation to help meet the housing needs of the city's students.
- 8.34 Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
- 1) Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
  - 2) High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
  - 3) Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
  - 4) Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
  - 5) Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
  - 6) Schemes should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
  - 7) Permanent purpose built student accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.
- 8.35 Looking at each of these criteria in turn-
- 8.36 As set out below it is considered that subject to the application of appropriate planning conditions / restrictions, the proposed development would have an acceptable impact upon neighbouring amenity.
- 8.37 The development is high density in character; this is considered appropriate in this location having regard to the proximity of existing larger buildings, and to the substantial scheme which has been recently approved at neighbouring sites.

- 8.38 The site is located on a sustainable transport corridor.
- 8.39 Transport impacts are addressed below; in this case the applicant states that students residing in the development would not be permitted to bring cars to the city. The Transport Officer recommends that a contribution be secured towards consultation on / implementation of a Controlled Parking Zone which would address the pressures on resident parking in the area. A similar contribution has been secured in respect of the Preston Barracks / Mithras House scheme. Taking into account the mitigations which would be secured in respect of both schemes it is considered that the development would not lead to an unacceptable increase in on-street parking in the surrounding area.
- 8.40 The proposal has been designed to be safe and secure for its occupants whilst respecting the character of the surrounding area.
- 8.41 The applicants have not entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The requirement for a formal agreement is not however one which is likely to be complied with when an application is at planning stage with the future of the site still uncertain. Furthermore educational providers may not be in a position to commit to take up of accommodation which may not be completed and become available for a considerable period. In a number of cases at other sites in the city where purpose built student accommodation has been approved in recent years a similar circumstance has occurred; it has not proved possible to obtain the formal agreement of an education establishment at planning stage.
- 8.42 The application has received formal support from Kings College, a language School recently set up on Ditchling Road (the former 'Buxton's' site) and has been in discussions with the University of Brighton.
- 8.43 In reality the demand for the proposed student accommodation will only be clear at the point the studios are completed and available for occupation, however having regard to current circumstances in the city it is considered likely that there will be demand from students of establishments in the city including those of the University of Brighton.
- 8.44 Criteria 6 also sets out that the council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively. The application has engaged with an established student accommodation management company, has submitted a draft student management plan, and has confirmed that they are in agreement to the occupation of the student accommodation being restricted by planning legal agreement as has been the case at other sites in the city where purpose built student accommodation has been approved in recent years.
- 8.45 As identified above, No. 6 Pelham Terrace is identified in the Council's Strategic Housing Land Availability Assessment as having the potential to deliver 6 dwellings. Furthermore the site as a whole clearly could deliver a general housing scheme in



excess of 6 units, however in almost all cases where a site is suitable for student housing it will also be suitable for general housing.

8.46 This therefore represents a conflict with criteria 7 of Policy CP21 which states that purpose built student accommodation will not be supported on sites allocated for housing identified as potential housing sites. In this case however the site due to its proximity to University teaching accommodation, fronting on to Lewes Road, is particularly suited to student accommodation. Furthermore, the proposed scheme is of a substantial scale and would deliver significant benefits for the city in the form of a community use, a large number of student units and a small number of housing units. The conflict with criteria 7 is therefore not considered to warrant refusal in this case.

8.47 Overall it is considered that the proposed student accommodation is an acceptable primary use for the site. The site is ideally located for such a use and can make a valuable contribution to the needs of the city in this regard.

#### 8.48 **The proposed housing units**

As detailed above the proposed development would deliver a net gain in housing units and therefore would not conflict with the objectives of policy HO8.

8.49 The proposed flats would provide an acceptable standard of accommodation. The two-bedroom units with one double and one single bedroom are 63-66m<sup>2</sup> which is in excess of the 61m<sup>2</sup> minimum set out in Government's 'Technical housing standards - nationally described space standard'. The proposed one-bedroom flat at 49m<sup>2</sup> is slightly less than the 50m<sup>2</sup> but would provide an acceptable standard of accommodation. All of the flats would have access to a communal roof terrace, two have private balcony areas, and all would have access to the public facilities in the ground floor café/ Hub.

8.50 As an overall assessment of the principle of development, the loss of three houses, a retail unit, employment use, and in particular a former public house and garden registered as an ACV are acknowledged. The proposed Community Hub/café, student accommodation and facilities, and housing units are however considered to be appropriate uses in this location and considered as a whole would outweigh the loss of the existing uses in this particular instance. The proposed tall building is considered acceptable in design terms as set out below. The principle of development is considered to be acceptable.

#### 8.51 **Design and Appearance**

The site is located in the Lewes Road tall buildings corridor as identified in SPGBH 15 (Tall Buildings), which is centred on this site and the university campus. The development of tall buildings in this location is therefore considered to be acceptable in principle, subject to detailed design and amenity considerations and the effect on views from the South Downs National Park.

8.52 The proposed design has been subject to a period of evolution through pre-application discussions and presentation to Design South East's Design Panel. The design process has also had regard to the scheme proposed at the Preston Barracks / Mithras House sites.

- 8.53 A Townscape, Landscape, Visual, And Heritage Assessment has been submitted, and has been updated following the approval of the Preston Barracks / Mithras House scheme to take into account the cumulative impacts of the application proposal and this approved scheme.
- 8.54 It is considered that the applicants Assessment / study is of a high standard and explores in depth the history of the site, and assesses the importance of the surrounding townscapes, landscapes and design/heritage assets.
- 8.55 The main form of the proposed building would be finished in a light coloured brick over a fully glazed two storey base along the northern half of the plan, set back at an angle at the north-west corner of the building, the entrance to the building sitting below a second floor triangular cantilever. The ground floor level of the building covers almost the entire site (other than the set in corner), the upper floors of the building have an L-shaped floorplate and various elements of the building are set down / back to break up the bulk of the structure and provide a transition to the development to either side of the site on Lewes Road.
- 8.56 It is intended that the light colouration ties the building into its current context, providing a slight variation to the adjacent Pelham Court and picking up on the colour appearance of the larger Deco building and Diamond Works building (now self store). As a variation in colour, a series of horizontal bands are formed from white precast concrete sections, setting out the horizontal order of the building and announcing breaks in the building's geometry. On the ground floor a two storey high curtain walling system with clear glazing announces the main building entrance and provides views into the double height entrance lobby. The framing of the curtain wall components and windows as well as the window reveals would be formed from light bronze coloured aluminium sections. The main entrance into the student housing element of the scheme is expressed through a portal frame in the curtain wall cladding. Clad in concrete on the outside and green tiles on the inside it is intended to provide a visual contrast to the remainder of the building, accenting the entrance and making a reference to the former use of the site as a public house. The same green accent is used on the rear elevation of the building (east elevation) to accent the facade and provide a rhythm akin to the width of a regency terrace.
- 8.57 The proposed building is of a considerable scale, and is of a greater scale than the buildings which immediately surround it; relating more closely in scale to the University of Brighton buildings to the north, and to the buildings proposed under the Preston Barracks / Mithras House scheme. The scheme has however been designed to step down from north to south to relate better to the lower buildings to the south, and the bulk of the building is staggered and articulated. At street level a double height glazed inset corner is proposed which will provide an active frontage and clearly mark the entrance to the building.
- 8.58 The character of the proposed building is in keeping with those approved to the Mithras House car park site alongside.
- 8.59 Were the building to be constructed prior to the development on the Preston Barracks / Mithras House sites coming forward, the proposed building would stand out as a larger building in the street scene, it would however be indicative of the scale of

development likely to come forward on neighbouring sites and would not in itself have a harmful impact upon the street scene.

- 8.60 Should, as is expected, the redevelopment of the neighbouring sites come forward in a relatively short timescale, the proposed building would sit alongside this development and form part of a group of larger buildings which in visual / design terms would be linked to the larger University buildings to the north of the application site.
- 8.61 The submitted Townscape, Landscape, Visual, And Heritage Assessment demonstrates the likely visual impact of the proposed development from a number of viewpoints in the area around the site and beyond in the South Downs National Park. The proposed building would have a significant visual impact from some closer viewpoints; its impact is of a lesser impact from more distanced views such as those from the Park. The verified visuals which show the cumulative impact of the application proposal alongside the buildings which have been approved on the Preston Barracks / Mithras House sites show that the proposal would sit very much in keeping with these schemes in terms of scale and impact.
- 8.62 The Heritage Officer has commented upon the proposal and study and considers that the proposed development would not have a harmful impact upon the heritage assets in the vicinity of the site which include the Roundhill Conservation Area and a number of listed buildings / buildings of local interest.
- 8.63 Overall, whilst the proposed building is of a substantially larger scale than those in the immediate vicinity particularly immediately to the south of the site, it is considered that the proposal is of a high standard of design and would have a positive impact upon the immediate area. Furthermore, the proposed building is likely to be joined by further buildings / development of a similar scale such as that recently approved at the Preston Barracks / Mithras House sites. As detailed below it is considered that more substantial areas of living / green walls than are currently proposed could further improve the visual impact of the proposal and could also address / mitigate other matters of concern
- 8.64 **Standard of Accommodation**  
The proposed student studios range from 20m<sup>2</sup> (single occupancy), up to 34m<sup>2</sup> for twin occupancy studios and wheelchair accessible studios. Twelve of the proposed units are wheelchair accessible. It is considered that studios of this size for student accommodation, in addition to the communal facilities which are proposed at ground and first floor levels and the terraces proposed, are of a size which would provide an acceptable standard of accommodation.
- 8.65 The submitted Sunlight and Daylight Report demonstrates that the first floor studios to the rear of the building (and hence those above) would benefit from adequate daylight levels. To the northern side of the building no first floor studios are proposed, studios with a northerly aspect are proposed from second floor upwards. These rooms would at present face out over the Mithras House car park and it is considered that adequate spacing (20 to 24 metres) would remain between the proposed building and those approved on

the Mithras site to ensure that were both schemes to be built out the studios would benefit from adequate daylight levels.

- 8.66 In regard to privacy, the windows of the studios would face out towards existing residential development to the east, the Deco building being closest, however due to the L-shaped floorplate of the upper floors of the building an adequate spacing would be retained to ensure that a sense of privacy would be provided. To the east the windows of studios would face over Lewes Road and to the north the windows would face out over the Mithras House car park. Should the Mithras House development be constructed adequate spacing would remain between buildings to ensure a sense of privacy.
- 8.67 As detailed above it is considered that the proposed top floor flats would provide an acceptable standard of accommodation in regard to size, light and outlook, and access to outdoor space, in accordance with policies QD27 and HO5 of the Brighton and Hove Local Plan.
- 8.68 In regard to air quality, the site is situated within an Air Quality Management Area (AQMA) and as such regard is had to policy SU9 which states that planning permission will only be granted for development on a site adjacent to an existing pollution / nuisance generating use and / or within an air quality 'hotspot' or potential 'hot spot' where the effect on the proposed development, its occupiers and users will not be detrimental.
- 8.69 The applicant has submitted an air quality study which assesses pollution levels based upon results taken from two receptors placed at the site; one to the front alongside Lewes Road and one to the rear.
- 8.70 The report concludes that at present, and in the opening year of the proposed development (2018), concentrations annual mean nitrogen dioxide could exceed the National Air Quality Objective level at the ground floor level of the proposed development; however, it is projected that concentrations of nitrogen dioxide would be below the Objective levels on the upper floors, where the residential accommodation would be situated.
- 8.71 The proposed building would however be sited alongside a busy road in an AQMA, and would therefore be subject to some pollution and also to noise nuisance from traffic when windows are open.
- 8.72 It is therefore considered that to ensure a good standard of amenity for future occupiers those with windows facing towards / close to the road should have a fresh air source such as a passive ventilation system which draws air from the rear of the site and does not require opening a window. The applicants submission sets out that the building has been designed as a sealed envelope due to the environmental conditions along Lewes Road. Attenuated air intake and extract louvres integrated into the window assembly and brick cladding is proposed to provide a means of venting the building without the requirement to open windows. It is therefore recommended that full details of ventilation measures, to ensure that a good standard of amenity would be enjoyed by future occupants, should be secured by condition.

### 8.73 Impact on Neighbouring Amenity:

The proposed building is of a significant scale in comparison to the existing buildings on the site, and the development would therefore have the potential for significant impact upon neighbouring amenity. A Daylight, Sunlight and Overshadowing Report has been submitted to demonstrate the likely impact of the proposed development in these regards.

- The closest neighbouring dwellings to the site are:
- The Deco Building behind (to the east of) the site;
- The dwellings on the west side of Dewe Street to the east of the site;
- The flats above Carpetright, 1 Pelham Terrace to the south of the site.

8.74 Whilst it is acknowledged that the building would alter the outlook and enclose views from the properties to the east (Deco Building and rear of dwellings on Dewe Street), and will result in additional windows facing these dwellings, it is considered that adequate spacing would remain to ensure that significant harm would not be caused. Due to the L shaped floorplate of the upper floors of the building a distance between facing walls of 20 metres would be retained.

8.75 In regard to the daylight and sunlight which neighbouring windows would receive were the proposed building to be constructed, the submitted report concludes that the development would have a minor adverse impact upon six windows at 1 Pelham Terrace, four of which serve stairwells, and the remaining two relate to two separate flats, therefore each flat would have one window adversely affected.

8.76 In regard to the Deco Building, 15 windows would be adversely affected. These 15 windows serve 11 rooms, in four separate dwellings, over three floors. These 11 rooms have been assessed for 'Average Daylight Factor' and most are likely to continue to receive a large amount of daylight, despite the reduction, by virtue of the large windows, high ceilings, but relatively small floor area. However, two of these eleven rooms, a first floor lounge and a ground floor study would receive a reduction in daylight that would be both noticeable and would take the level of daylight below the best practice levels.

8.77 In regard to annual probable sunlight hours, only windows which face within 90° of due south require assessment and the report demonstrates that impact upon sunlight hours to these windows would be negligible.

8.78 In regard to overshadowing of garden areas, on the 21<sup>st</sup> of March the proposed building would have some overshadowing impact upon a small number of rear gardens of dwellings on Dewe Road, however this overshadowing would occur after 16.00 and prior to that time the gardens would benefit from good levels of sunlight and would therefore comply with guidelines.

8.79 Overall in regard to daylight levels, it is acknowledged that a reduction in daylight levels will be noticeable from two flats at 1 Pelham Terrace and from flats in the Deco building, however almost all rooms affected would retain an adequate level of daylight and taking into account all factors it is considered that the resultant situation

would be acceptable and the harm which would be caused is not of a magnitude which warrants the refusal of planning permission.

- 8.80 In regard to overlooking, due to the L-shaped floorplate of the upper floors of the building an adequate spacing (20 metres) would be retained to ensure that a sense of privacy for occupiers of the Deco Building would be provided. To the east the windows of studios would face over Lewes Road and to the north the windows would face out over the Mithras House car park. Should the Mithras House development be constructed adequate spacing would remain between buildings to ensure an adequate sense of privacy for residents of the proposed Mithras blocks.
- 8.81 The proposed terrace and balcony areas have the potential to cause overlooking of neighbouring properties. It is considered that the terrace areas to the sixth and eighth floors, to the front of the L-shaped floorplate, are far enough away from neighbouring dwellings to not cause harmful overlooking. The proposed first floor terrace could provide views across to windows in the Deco building and therefore it is recommended that details of appropriate screening be secured by planning condition.
- 8.82 The use of the terrace areas could have a harmful impact upon neighbouring amenity by way of noise disturbance and therefore it is recommended that the use of the terrace areas be restricted to between the hours of 09.00 and 21.00 by planning condition. Furthermore measures for management of the terrace areas should be set out in the student management plan recommended to be secured by planning legal agreement.
- 8.83 In regard to the nature of the proposed use, and the levels of activity, comings and goings, it would cause etc., activity on terrace levels would be restricted by hours of use and management as detailed above, activity in / emanating from studios and flats would be in keeping with surrounding residential development, and comings and goings would be on to Lewes Road which is a busy road with a high level of vehicular and pedestrian activity.
- 8.84 Policy SR12 relates to large (over 150m<sup>2</sup>) cafes/restaurants/pubs/bars and sets out criteria which such development must comply with. Whilst the proposed café / Community hub is of a considerable size it is likely to function as a low key space to meet / work / relax / socialise. The space will not create an environment akin to a large restaurant or bar therefore in this case it is considered that the criteria of Policy SR12 are not relevant in this case. The management of the student accommodation and Community Hub is to be secured by planning legal agreement and it would not be in the operator's interests to allow the ground floor uses to conflict with the (connected) upper floor residential uses.
- 8.85 Overall it is considered that subject to compliance with recommended conditions and restrictions, significant harm to neighbouring amenity would not be caused and that the scheme would comply with policies SU10 and QD27.
- 8.86 **Trees, Landscaping and Ecology**

The proposed development involves the clearance of the garden area behind the public house and the removal of 3 category 'B' quality trees 2 Sycamore and 1 Wild Cherry which will be felled. In addition there are a number of lesser quality (Category 'C') trees and groups of trees that will also need to be removed which include Pear, Wild Cherry, Rowan and Sycamore. These trees are not subject to Preservation Orders but are partially visible from Lewes Road and from neighbouring properties and are therefore of amenity value. The Arboriculturalist objects to the development due to the proposed loss of these trees.

- 8.87 A substantial redevelopment of the application site is likely to require the removal of trees. In this case due to the nature of the proposed development, with almost complete plot coverage at ground floor level, it is not possible to propose replacement tree planting within the site. The possibility of securing on-street tree planting has been explored however the Transport Officer has advised that the surrounding pavements do not provide suitable locations for such planting.
- 8.88 In this context the only mitigation for the loss of trees which can be provided on site is through planting to the proposed roof terrace areas, living/green walls and green roofs (sedum). It is considered that the building, particularly to the south and south west facing upper floor elevations, provides an opportunity for a more substantial level of living/green wall planting than is proposed under the application submission. It is considered that a more substantial level of planting is required to make a significant visual impact in the street scene / wider area, and to appropriately mitigate for the loss of trees which is proposed.
- 8.89 It is of importance that high quality planting to the proposed areas and additional areas is secured to mitigate the loss of trees to come extent, along with a scheme of ecological enhancements to work towards mitigating the loss of trees which is proposed, meeting the objective of delivering a net gain in biodiversity terms through all new developments, improving air quality in the AQMA and to ensure compliance with policies DA3, CP8, CP10, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, policies SU9 and QD5 of the Brighton and Hove Local Plan, and the guidance set out in SPD11 'Nature Conservation and Development'.
- 8.90 In regard to protected species bat surveys have been carried out which demonstrated a low level of activity and indicate that significant numbers of bats roosting within the site are unlikely. On this basis the Ecologist recommends a precautionary approach is taken to demolition whereby potential features are soft stripped by hand under ecological supervision. Details of appropriate external lighting should be secured to ensure harm is not caused, and mitigation measures in the form of bat boxes and/or bricks should be provided on site as recommended in the submitted bat survey.
- 8.91 **Sustainable Transport**  
The proposed development comprising a large number of student studios, a café / Community Hub and five residential units, will generate a substantial number of trips, beyond those the existing uses on the site generate. Furthermore residents and staff may choose to drive to the site which would generate additional demand for on-street parking as no vehicular parking is proposed on site. The site cannot provide any disabled parking provision.

8.92 The following factors are however noted in the proposals favour:

- The application site is located on a sustainable transport corridor with very good bus services, cycle lane infrastructure and good access to Railway Stations (Brighton, London Road and Moulsecoombe).
- It is proposed that students would not be permitted to bring a car to the city as this would be restricted in their tenancy agreement (it is however considered that such a restriction is difficult to enforce)
- The provision of 136 internal resident cycle parking spaces plus 18 external visitor spaces
- A clear legible main pedestrian entrance and secondary pedestrian access points providing access to the café and Community Hub, and the introduction of a strong active frontage.

8.93 In addition it is recommended that the following be secured by planning conditions / legal agreement:

- Full details of cycle parking provision
- Reinstatement of continuous pavement in front of the development (removal of redundant vehicular access / dropped kerb)
- Travel Plan measures
- Student Management Plan – the need to produce a Student Management Plan which includes full details of the move in/move out strategy
- CEMP – The need to produce a Construction Environmental Management Plan. The plan should look at ways of limiting the impact construction has on the road network.
- S106 Contribution – A S106 contribution of £80,000 which shall go towards public transport and CPZ consultation / implementation.

8.94 Overall, subject to securing these measures and mitigations the scheme is considered acceptable in regard to transport considerations.

8.95 **Sustainability, air quality and drainage**

In regard to sustainability measures, the scheme incorporates strategies including passive design measures; heating strategy based on Gas CHP (20Kw) providing onsite heating provided through a communal system, with energy plant that will have capacity for connection to a heat network; MVHR; and efficient thermal building fabric. In addition the scheme proposes approaches to increase biodiversity and address urban heat island with green walls and green roofs. Sustainable drainage systems are proposed.

8.96 The scheme could however have been improved by incorporation further measures such as production of renewable energy.

8.97 Overall subject to securing energy and water consumption standards for the proposed residential units, and a BREEAM rating of 'Excellent' for the remainder of the building, it is considered that the proposed development adequately addresses policy CP8.



8.98 It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. In this case the proposed development is 'car-free' and measures are to be secured to encourage use of sustainable transport modes. In addition, significant areas of planting are proposed to terrace areas, flats roofs and walls, and as details above it is considered that substantially increased areas of living / green walls are required to mitigate the loss of trees which is proposed. This planting will help to improve air quality in the area around the application site and address policies SU9 and DA3.

8.99 In regard to drainage, the site presents a challenge as the proposed building covers almost the entire site at ground floor level. Furthermore the site is within a ground water source protection zone. A sustainable Drainage Assessment Report has been submitted which sets out proposals for surface water drainage strategies and includes a storage of around 75m<sup>3</sup> for storm water to be provided in an attenuation tank. The Flood Risk Management Officer has recommended that full details of the proposed drainage strategy and systems be secured by planning conditions.

#### 8.100 **Archaeology**

The proposals will impact archaeological remains relating to extant historic buildings, below ground remains relating to former buildings on this site, below ground remains relating to earlier occupation of this area of Brighton. The existence of a Wesleyan chapel raises a potential for human burials. It is therefore recommended that a programme of archaeological works be secured by planning condition. It is of importance that no demolition commences before an archaeological written scheme of investigation is agreed.

### **9. CONCLUSION**

9.1 The proposed development would provide 189 student studios which represent a substantial contribution towards the need for purpose built student housing in the city. The site is ideally located for such development being in close proximity to University teaching accommodation, on a main road / sustainable transport corridor. The development would also provide five residential units, a café and active frontage, and a Community Hub providing formal and informal meeting space and facilities.

9.2 The proposed building is considered to represent a high quality design which would have a positive impact upon the Lewes Road street scene.

9.3 The proposed development is acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements are recommended to secure:

- The long term availability and retention of the Community Hub facilities;
- Cycle parking provision and travel plan measures;
- Sustainable transport infrastructure Improvements;
- Funding towards a CPZ consultation / implementation;
- Compliance with sustainability standards and access standards;
- Green roofs and walls, landscaped terrace areas and scheme of ecological improvements;

- An Artistic component
- Contributions towards open space / sports provision, and the Council's Local Employment Scheme.

9.4 The scheme would result in the loss of a former public house and garden which is valued by the community and has been registered as an Asset of Community Value. A number of trees to the rear of the Public House would also be lost. The proposed building is of a considerable scale and would have an adverse impact upon the amenity of some neighbouring occupiers due to a loss of daylight to a number of windows, although these impacts have been fully assessed and it is considered that the loss of daylight would only be at a harmful level in a small number of cases.

9.5 Overall, whilst the scheme would cause harm in some respects, these concerns have been fully assessed, and overall it is considered that the scheme would deliver substantial benefits and that the concerns identified do not warrant refusal in this case. Approval is therefore recommended subject to the conditions and s106 requirements set out in sections 1 and 10.

## **10. EQUALITIES**

10.1 The proposed residential units would meet optional building regulations standards for accessibility. Twelve of the proposed student studios are wheelchair accessible units which equates to 6% of the student units overall.

### **10.2 Developer Contributions**

10.3 **Sustainable Transport:** Based upon the current adopted Developer Contributions Technical Guidance and established formulae, the securing of Travel Packs and an £80,000 contribution to sustainable transport infrastructure to be allocated towards the following:

- Shelter and Real Time Passenger Information sign at Bottom of Coombe Road bus stop Meadow View bound
- Shelter, Real Time Passenger Information sign and accessible kerb at Bottom of Coombe Road bus stop City Centre bound
- Consultation and implementation on a Controlled Parking Zone in the local vicinity and implementation if supported by local residents

10.4 A scheme of Travel Plan measures which should include:

- Provision of Brighton and Hove bus one month tickets (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
- Provide annual membership of the Brighton Bikeshare scheme (to be provided to each first occupant, and to each occupant of the student accommodation on a continuous basis)
- Provide 2 years membership to Enterprise Car Club (one per dwelling for the first occupants of each residential dwelling only, would not apply to the student accommodation)
- Provide local public transport, walking and cycling maps.

10.5 **Open space and indoor sport:** Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £241,671 to be allocated to the following:

- Children's' Play - Saunders Park and or Hollingbury Park; William Clarke Park
- Parks Gardens/Natural Semi Natural/Amenity - Wild Park and/or Stanmer Park; Woodvale
- Outdoor Sport - Wild Park and/or Stanmer Park; Saunders Park
- Indoor Sport - Moulsecoomb Leisure Centre
- Allotments - Old Water Works and/or Moulsecoomb

10.6 **Local Employment scheme:** Based upon the current adopted Developer Contributions Technical Guidance, £18,900 plus a commitment to 20% local employment for the demolition and construction phases.

