

<u>No:</u>	BH2017/01873	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	45 & 47 Hollingdean Road Brighton BN2 4AA		
<u>Proposal:</u>	Demolition of existing buildings and erection of a part 2,3,4 and 5 storey building including basement to form 88 student rooms (Sui Generis), communal student facilities, plant room, cycle storage, 1no disabled parking spaces, recycling and refuse facilities, vehicular access and associated works.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	09.06.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	08.09.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Simply Planning Limited 15 Buckingham Gate London SW1E 6LB		
<u>Applicant:</u>	CKC Properties Limited C/o Simply Planning Limited 15 Buckingham Gate London SW1E 6LB		

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 **REFUSE** planning permission for the following reasons:

1. The proposed design of the student accommodation block and gatehouse, by reason of its height, position, form and excessive scaling would fail to successfully address the constrained nature of the site and as a result would appear overly dominant in relation to adjacent two storey residential properties fronting onto Hollingdean Road, contrary to policy CP12 of the Brighton & Hove City Plan Part One.
2. The proposed student block, at five stories high with a significant number of windows within the upper levels set close to shared boundaries with two storey neighbouring dwellings, would result in an unacceptable overbearing and overlooking impact, contrary to policies QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
3. The proposed student block would cover the majority of the site leaving little external space and would be constructed within close proximity to the adjacent retaining wall to the south of the site. As a result a number of the studios and communal accommodation at ground and first level would suffer from restricted outlook, and the majority of the site would be overshadowed which would adversely impact on the standard of accommodation of future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

- The proposed development includes one on-site disabled parking space and has not been supported by a survey and analysis of local parking pressures and the parking demand that the development would be likely to generate. The proposed development has therefore failed to demonstrate that the development would result in an acceptable impact on the local highway network, contrary City Plan Part One CP9, Local Plan Policy TR7 and QD27.

Informatives:

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	1646-P-015	O	23 January 2019
Proposed Drawing	1646-P-016	K	23 January 2019
Proposed Drawing	1646-P-017	K	23 January 2019
Proposed Drawing	1646-P-018	L	23 January 2019
Proposed Drawing	1646-P-019	L	23 January 2019
Proposed Drawing	1646-P-020	G	23 January 2019
Proposed Drawing	1646-P-021	J	23 January 2019
Proposed Drawing	1646-P-022	J	23 January 2019
Proposed Drawing	1646-P-023	J	23 January 2019
Proposed Drawing	1646-P-024	I	23 January 2019
Proposed Drawing	1646-P-025	I	23 January 2019
Proposed Drawing	1646-P-026	I	23 January 2019
Proposed Drawing	1646-P-027	J	23 January 2019
Proposed Drawing	1646-P-028	J	23 January 2019
Proposed Drawing	1646-P-029	G	23 January 2019
Proposed Drawing	1646-P-030	J	23 January 2019
Proposed Drawing	100-221 (P)003C E05		23 January 2019
Proposed Drawing	100-221 (P)002D L04		23 January 2019
Proposed Drawing	100-221 (P)001D L00		23 January 2019
Report/Statement	AIR QUALITY ASSESSMENT	v2.2	1 June 2017
Report/Statement	FLOOD RISK ASSESSMENT	582-FRA-01	1 June 2017
Report/Statement	ACOUSTIC REPORT	1.2	1 June 2017
Report/Statement	GEOENVIRONMENTAL ASSESSEMENT	581-R-02	1 June 2017
Report/Statement	PRELIMINARY RISK ASSESSMENT	581-R-01	1 June 2017

- If recommended for approval, a development of this scale and type would require a legal agreement in order to secure the following contributions / commitments:

- A Construction Training and Employment Strategy
- A financial contribution towards the City Council's Local Employment Scheme contribution
- A Sustainable Transport contribution
- A Travel Plan
- A contribution to Artistic Component.
- Submission of a Student Management Plan.
- Contribution towards the improvement and expansion of open space and recreation within the vicinity of the site

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a triangular shaped site located to the south of Hollingdean Road. The site currently contains a two storey hipped roof building to the east of the site known as no. 45 Hollingdean Road and a two storey end of terrace building to the north of the site which forms no. 47 Hollingdean Road. Both of the buildings are currently vacant and were previously used for the sale / repair of motorcycles and parts. No. 47 has an extant permission (BH2016/00814) for the conversion to a dwelling.
- 2.2. To the rear of the site is a single storey commercial workshop with an open service yard / forecourt which is currently used for the repair and sales of vehicles. This section of the site included a number of parked vehicles for sale at the time of the site visit. Hollingdean Road to the east and west is a typical Victorian terrace of two storey buildings comprising a mixture of dwellings and houses in multiple occupation.
- 2.3. To the south of the site is a large 9 metre high retaining wall to the access road for the servicing and delivery yard of the London Road Sainsbury's supermarket. The application site is visible from the top uncovered deck of the supermarket car park. Opposite the site on Hollingdean Road is a two storey terrace of Victorian dwellings and access to Popes Folly, a road which rises steeply northwards leading to Saunders Park and a residential neighbourhood. To the west is a modern 5 storey flatted development that was granted planning permission on in 2010. Further to the west is a block of Purpose Built Student Accommodation (PBSA) currently under construction. This application site is within close proximity to other PBSA developments which have recently been completed on Lewes Road.
- 2.4. The application seeks permission for the demolition of the existing buildings on site and the erection of a purpose built student accommodation block. The block would be stepped in height, with a maximum of five storeys and would contain 88 student rooms including 72 studios and 16 cluster rooms with shared facilities.

3. RELEVANT HISTORY

3.1. 45 & 47 Hollingdean Road

BH2015/00905 - Demolition of existing building at 45 Hollingdean Road and construction of 3no storey building to provide 9no. student rooms (Sui Generis). Partial demolition and alterations to 47 Hollingdean Road and change of use to a 2 bedroom dwelling house. Refused 25.05.2016 for the following reasons:

1. *It has not been demonstrated that a formal agreement with one of the city's two Universities or other existing establishments within Brighton and Hove has been entered into and the intended establishment does not have any teaching facilities within the City. The proposed development would therefore be contrary to policy CP21 of the Brighton & Hove City Plan Part One.*
2. *The proposed development would be located adjacent to an established motor vehicle mechanics business and it is likely that new residents would be affected by noise and odour issues. The proposal would be contrary to policy QD27 of the Brighton and Hove Local Plan and the National Planning Policy Framework since the application fails to demonstrate satisfactorily how future residents would be adequately protected from noise and odours emanating from existing businesses and which should have restrictions put in place due to changes in nearby uses.*
3. *The proposed student residential block would have no on site management and would result in an unacceptable standard of accommodation for the occupants due to a poor quality of outlook, daylighting, outdoor amenity space and would be likely to suffer from noise, disturbance and potential odours from the adjacent neighbouring business use thus contrary to policy QD27 of the Brighton and Hove Local Plan.*
4. *The proposed development would result in pedestrian movements which could result in conflicts and safety concerns for the proposed residents due to the numbers and type of vehicle movements associated with the existing business sharing the access and service yard thus contrary to retained policy TR7 of the Brighton and Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One.*
5. *The proposed scale, design and profile of the development would represent an overdevelopment of the site and would not be in keeping with the character, appearance and urban grain of the neighbouring residential dwellings by introducing a large out of scale building juxtaposed to the rear of small scale terraced housing. The development would further diminish the limited outlook of adjoining residential occupiers and would be contrary to policy CP12 of the Brighton & Hove City Plan Part One.*

3.2. 47 Hollingdean Road

BH2016/00814 - Conversion of existing property (Sui Generis) to form 1no residential dwelling (C3) with associated external alterations including single storey rear extension, removal of shop front and installation of new bay window and door and associated works. Approved 13.06.2016.

72.1840 - Change of use to sale of motor scooters, spares and accessories.
Approved 03.07.72.

4. REPRESENTATIONS

4.1. **Three (3)** letters were been received from the initial consultation, objecting to the proposed development for the following reasons:

- Inappropriate look
- Oversized
- Not in keeping
- Overpriced student accommodation does not cater for student need
- Blocks views of The South Downs from neighbouring properties
- Cramped design
- Squashed to squeeze maximum number of units on site
- Area already has high number of student accommodation
- Poor outlook for residents
- No additional internet infrastructure to support a further 88 student units in this area

4.2. Following a second consultation, a further **two (2)** letters have been received objecting to the proposed development for the following reasons:

- Impact on the Roundhill Conservation Area
- Additional traffic generation
- The application lacks sustainability detail
- The development lacks consideration to local properties
- Significant mass and bulk
- Little architectural relief to southern elevation
- Single aspect rooms with no mechanical ventilation
- Noise impact on neighbours
- Roof plant will add additional height
- Lack of long view visualisations
- Lack of detail relating to green roofs
- Significant impacts on local infrastructure

5. CONSULTATIONS

Internal

5.1. **Ecology:** Comment

The proposed development is unlikely to have any significant impacts on biodiversity and can be supported subject to any demolition of buildings being carried out outside of the bird breeding season / appropriate checks to being carried out prior to demolition / clearance. The applicant is advised that the sedum roof is revised to chalk grassland in order to meet biosphere targets.

5.2. **Environmental Health:** No objection

No objection subject to conditions securing minimum noise performance glazing, a scheme of ventilation / acoustic protection to the flats, a scheme of remedial works, a remediation verification report and a discovery condition.

5.3. **Air Quality:** No objection

No objection subject to conditions securing a Construction Environment Management Plan, electric charging facilities for car and cycle parking spaces and temperature control and hot water to be powered electronically.

5.4. **Heritage:** No objection

Due to the topography of the area, the ground level of the site and the massing of the proposed development, with the 5 storey element set to the south east, it is not considered that the development would have any impact on the key views. In terms of a broader consideration of setting, the use and density of the development would also not harm the setting of the conservation area.

5.5. **Economic Development:** Comment

This site, although a location for viable businesses (Sui Generis) in the past, is at a point where it would be available for redevelopment and due to its location would provide students with accommodation with easy access to the university campuses that straddle the Lewes Road and beyond.

No adverse comments to make from an economic development perspective as students occupying this accommodation and other student facilities on the area, will help boost the local economy with potential to generate additional jobs in existing businesses or enable new businesses to be launched.

No objection subject to securement of an Employment & Training Strategy via a legal agreement £8,800.

5.6. **Planning Policy:** Objection

No objection to the principle of Purpose Built Student Accommodation (PBSA) on the site, however City Plan Policy CP21 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 & Hove. No information has been provided to demonstrate compliance with this part of the policy.

5.7. **Sustainable Transport:** Initial Comment - Objection

The applicant has not provided an analysis and survey of on-street parking that takes into account this development and other recent committed development in the locality.

The Highway Authority is therefore unable to support the application as the applicant has failed to assess the impact potential overspill car parking from this development would have on the local highway network

In addition the Highway Authority would want to see prior to development

- a swept path analysis of parking to ensure residents and visitors can enter and exit the site in a forward gear; and
- amendments to the vehicular gated entrance (if not appropriate as a condition)

If these issues are addressed, the Highway Authority would not object to the proposal subject to the inclusion of the necessary conditions securing a scheme of cycle parking, a new crossover, a student move in/move out plan and S106 agreement securing a contribution of £36,450, a Travel Plan and a CEMP.

Second Comment:

Parking survey

The applicant has requested that a parking survey conducted as part of an application for a nearby development (52 Hollingdean Road) is used for this application. It is noted that the survey was conducted 4 years ago and would not fully represent the impact of recent proposed/committed development and the recently implemented controlled parking zones in Hanover and Elm Grove; therefore a new survey is still required and to include:

A forecast of the likely car ownership to be associated with the proposed development using Census data

- An on-street parking survey in line with the Lambeth Parking Survey Methodology
- Consideration of the impact of proposed and committed development impacts
- Consideration given to the soon to be implemented controlled parking zones in Hanover and Elm Grove

S106 contribution

Following discussion with the Parking Team the suggestion by the applicant to contribute towards a CPZ scheme consultation in this area would not be deemed appropriate in the instance.

Other matters

The submitted details of the swept path analysis and amended vehicular gates (on drawing no 1646-P-014 C) are deemed acceptable.

Third Comment:

Following consideration of the information provided by the applicant, the LHA's concerns regarding overspill parking and the lack of analysis and surveys of on-street parking availability etc. remain, and therefore the original comments still stand.

Furthermore, since the comments were made, surrounding controlled parking zones have expanded/been introduced, meaning that the available uncontrolled parking spaces for residents in this area are likely to have decreased.

5.8. **Sustainable Drainage:** No objection

No objection subject to conditions securing a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations within the Flood Risk Assessment.

5.9. Private Sector Housing: Comment

The access to the bedrooms in the cluster 'townhouses' is through the kitchens (a higher risk area in terms of means of escape in case of fire) and there is no alternative escape route from the inner bedrooms. Furthermore there are no details on cooking facilities within the studios.

5.10. County Archaeology: No objection

Do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. No further recommendations to make in this instance.

External

5.11. Scotia Gas Networks: Comment

The developer should note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners.

The developer is advised to undertake an assessment of services pipes and connections etc. within the site and surrounding area. Other standard recommendations and precautions have been advised which has been forwarded to the applicant.

5.12. UK Power Networks: No objection

No objections to the proposed works.

5.13. Sussex Police: Comment

Standard security measures are recommended and this advice has been provided to the applicant.

5.14. Southern Water: Comment

Should the Local Planning Authority be minded to approve the application, Southern Water recommends attaching a condition to the permission securing a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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.

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.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA5	The South Downs
SA6	Sustainable Neighbourhoods
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city

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
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO13	Accessible housing and lifetime homes
SR8	Individual Shops
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

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH15	Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of development, including the loss of the former car sales/repair unit, the student accommodation, the design, the impact on street scene and wider views, heritage assets, the standard of accommodation, the impact on neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology/biodiversity impacts.

8.2. 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 student accommodation for attendees of the Universities. The principle of Purpose Built Student Accommodation (PBSU) is therefore acceptable in this area, subject to the considerations set out below.

8.3. The proposal includes the demolition of all buildings on the site, therefore the loss of these buildings/uses, which are subject to protective planning policies, must be considered.

8.4. Loss of the Existing Use:

The existing site contains three buildings including 47 Hollingdean Road; a two storey end of terrace property, 45 Hollingdean Road, a two storey hipped roof building and a single storey building with forecourt to the rear. The last known use of no. 47 was retail for the sale of ancillary parts which operated in conjunction with MOT servicing and repairs within no 45 Hollingdean Road to the rear.

8.5. The previous use is considered a specialist shop, and therefore it is not considered that the site would have contributed to or relied on its location close to the shopping centre or attract footfall and would have drawn custom from a wide area. The property has been vacant for some time and is relatively isolated in comparison to other local parades of retail uses. Policy SR8 seeks to retain individual shops. However, given the above, in this individual case, it is not considered that a marketing exercise would be required to demonstrate that it is likely to be economically unviable as required by policy SR8.

8.6. The single storey building to the rear is currently used for the sale and repairs of vehicles and was operational at the time of the site visit, with a number of vehicles for sale within the forecourt. Whilst the existing use does generate some employment, the use of the site is classed as 'sui generis' which is a category of employment use not specifically identified for protection within the retained Local Plan and City Plan Part One

8.7. Furthermore the vehicle repair unit is located adjacent to the rear gardens of a number of residential properties. The existing relationship results in an awkward mixture of uses, due to the number of vehicle movements, disturbance from the use of power tools and machinery in addition to the general comings and goings associated with the operation of the repair and sales centre. The cessation of such a use would likely improve the quality of life for neighbouring residents.

8.8. On this basis the loss of the existing use on the site is not resisted in principle.

8.9. The Proposed Use:

Policies DA3 and CP21 both envisage purpose built student accommodation coming forward along the Lewes Road corridor, primarily on identified sites but non-identified sites may also provide suitable locations for such accommodation in close proximity to University teaching accommodation.

8.10. Policy CP21 states that the provision of purpose built student accommodation (PBSA) will be encouraged to help meet the housing needs of the city's students and that 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;

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.

8.11. As set out in detail below, it is considered that the proposed development would have a significant impact on neighbouring amenity, due to the scale of the proposed development in relation to the neighbouring two storey residential properties. The high number of windows overlooking neighbouring gardens and the disturbance associated with the operation of such a site are key impacts.

8.12. The proposed development is high density in character which is acceptable in isolation, and there have been a number of other high density PBSA developments within the area. Given the back-land location however, set within close proximity to two storey dwellings, in addition to the overall plot coverage, it is considered that the proposal would not be suitable in this context and represents an overdevelopment of the site.

8.13. The site is located within close proximity to Lewes Road which is sustainable transport corridor.

8.14. Transport impacts are addressed in detail below. The supporting evidence states that students residing in the development would not be permitted to bring cars to the city. The Transport Officer has, however raised an objection as no analysis or survey has been submitted of on-street parking, taking into account both this development and other recent completed development within the vicinity. The application has therefore failed to demonstrate that the impact would have an acceptable increase in on-street parking within the vicinity.

8.15. The proposal has been designed to be safe and secure for its occupants. Whilst the site is not permeable, given the restricted nature with tall retaining walls and adjacent properties, it is not considered in practical terms that the site could be made permeable.

8.16. 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. Although this formed a reason for refusal for one of the earlier applications on site, the requirement for a formal agreement is unlikely to be

complied with when an application is at planning stage, as the future of the site is still uncertain. Furthermore, educational providers may not be in a position to commit to take on PBSA which may not be completed and therefore may not 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 been possible to secure the formal agreement of an education establishment at planning application stage.

8.17. The proposed PBSA has received formal support from Kings College, a language School recently established on Ditchling Road and the developer has been in discussions with the University of Brighton.

8.18. Although the demand for the proposed student accommodation will only be clear at the point the development is available for occupation, it is considered likely that there will be demand for the development due to the current shortfall of such accommodation within the city.

8.19. Criteria 6 of Policy CP21 also sets out that the council will seek appropriate controls to ensure that approved PBSA is occupied solely as student accommodation and managed effectively. The applicant has engaged with an established student accommodation management company and has submitted a draft student management plan. Furthermore the applicant has confirmed that they are in agreement to the occupation / management of the student accommodation being restricted by planning legal agreement.

8.20. In relation to criteria 7, the site is not allocated for housing within the SHLAA. No. 47 Hollingdean Road does have an extant permission for the conversion to a single residential unit which is due to expire in June this year. The loss of this unimplemented permission alone would not warrant refusal of the proposed development.

8.21. Overall, the principle of student accommodation is not objected to on this site; however the scale and density of the proposed development is not considered commensurate with neighbouring dwellings and as a result would result in significant harm to neighbouring amenity, in particular, substandard living conditions and the potential for overspill parking. These matters are considered in more detail below.

8.22. Design and Appearance:

The site is located within an area of mixed character ranging from two storey terraced dwellings that are immediately adjacent to the site, to larger five storey flatted and commercial buildings further to the west on Hollingdean Road. The plot itself is unusual in character due to the range of different boundaries which, due to their nature, have created an irregularly shaped site. The rear of the site is bound by a tall concrete wall which forms the retaining wall for the service ramp for the Sainsbury's superstore on the Lewes Road Gyratory. The eastern boundary is formed by the vehicular ramp /deck to the Sainsbury's car park.

- 8.23. Although there is a range of local development forms and scales, including PBSA, which does allow scope for larger buildings within the vicinity, the application site itself is effectively a back-land site, located to the rear of a group of two storey terraced houses; 1-6 May Cottages and 41-47 Hollingdean Road. On this basis it is important that any development must be sensitively designed in order to reflect the back-land setting and to ensure that the buildings fronting onto Hollingdean Road retain primacy.
- 8.24. To the front of the site, the development proposes the demolition of no. 47 Hollingdean Road and the construction of a new building to accommodate the Reception Area for the use, in addition to several accommodation units. The proposed building would bridge the gap between the two terraces with an undercroft pedestrian / vehicle access gate below.
- 8.25. The built form would also extend upwards, increasing the eaves height in order to facilitate an additional storey with dormer windows to the front elevation and a full height, full width, flat roofed three storey projection to the rear. The majority of the plot would be covered, a single storey projection to the rear is also proposed. This element in isolation pays little respect to the terrace and the increased eaves height in addition to the dormer windows would appear at odds with the adjacent buildings. The projection to the rear is also considered unsympathetic in relation to the modest pitched roofs and rear extensions of adjacent properties.
- 8.26. The proposed main student accommodation building would be set in an 'L' shape offering a stepped design with two/three storey blocks to the front which rise up to four storeys and a main five storey section set to the south-eastern rear corner of the site, adjacent to the retaining walls and vehicular access ramps beyond. The building would be modular in form comprised by 6 blocks of differing materials, projections and heights. The proposal includes a mixed palette of materials to each section of the block, including a brick base, aluminium panelling with several sections of green walls.
- 8.27. The central section of the site would be clear with a forecourt containing a courtyard with cycle parking, a disabled access car parking space in addition to planted and seating areas. Several planters are proposed around the site and a further decked seating area is proposed to the south-eastern corner.
- 8.28. The varied design forms, finishes and step up in heights have been proposed in an attempt to break up the façade and reduce the visual dominance of the structure in relation to the adjacent buildings. Whilst it is acknowledged that the building would be of visual interest and the use of brick and green walls are supported, the scale of the building would still be significant in comparison to the adjacent buildings. The site lacks a street frontage and would be visible above the terraced properties when viewed from Hollingdean Road and from Popes Folly to the north, in addition to the longer views from the eastern end of Hollingdean Road.
- 8.29. The proposed building would also leave little external spacing between the development and the tall boundary treatments to the south, and the level of

separation from the adjacent dwellings is not considered sufficient to address the disparity in heights.

8.30. It is acknowledged that the design and character of the existing site does not contribute positively to the local area, and a modern redevelopment of the site is encouraged however the existing development on site is relatively low key and does not compete for primacy with the main street frontage. A scheme of the scale proposed in this application may be acceptable on other sites, especially if there is a clear street frontage and it is not set to the rear of established buildings which are significantly smaller in character and form. Given the points raised above, it is considered that the scale and form of development proposed fails to pay respect to the adjacent terrace and as a result is considered to be an overdevelopment of this back-land site. The over scaling of the development also manifests itself in other issues such as impact on neighbouring amenity and standard of accommodation, as set out in further detail below.

8.31. Impact on Amenity:

As identified above, the proposed building is of a significant scale in comparison to the existing buildings on the site, and therefore would 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, based on BRE guidance.

8.32. The closest neighbouring dwellings to the site are:

- The terrace directly to the north: 15 - 43 (odd) Hollingdean Road and 1-6 May Cottages Hollingdean Road
- A five storey block of flats to the west: Flats 1 - 24 Diamond Court
- Dwellings to the north of Hollingdean Road

8.33. There are a number of dwellings to the south on D'aubigny Road, however the distance from the application site and the relative levels is considered sufficient to avoid any significant impact to neighbouring amenity in this direction.

8.34. The Daylight, Sunlight and Overshadowing Report has not identified a harmful impact upon the block of flats to the west, Diamond Court, given their comparable scale and relative positions of the blocks.

8.35. The proposed development would be partially visible from the front elevation windows of the dwellings to the north of Hollingdean Road, however this relationship is considered acceptable.

8.36. Scale, Bulk and Overshadowing

The existing buildings on site comprise an end of terrace property in keeping with adjacent buildings, a two storey hipped roof building and a 1-2 storey commercial unit. The proposed development would involve the demolition of a new block of up to five storeys in height which would be set in close proximity to rear gardens and rear elevations of adjacent two storey dwellings.

- 8.37. The proposal is set between 2.5m and 7.3m away from the rear boundary of adjacent gardens and between 9m and 13m from adjacent rear elevation windows of the two storey properties. Given the height and bulk of the proposed building and the relative small separation distances, the overall scale of development would result in a significant overbearing impact on these two storey dwellings. Furthermore the eastern element of the block would be set directly on the rear boundary of the garden of nos. 41 and 43 Hollingdean Road. Although the proposed development has been stepped to help reduce the bulk, as opposed to a complete full height development, the fact remains that the tallest five storey elements would still be located within close proximity to the rear elevations of neighbouring dwellings.
- 8.38. In addition to impact of the physical form of the proposed development itself, the proposal would include 34 windows at first floor level and above facing towards neighbouring two storey buildings. The rear gardens of the adjacent properties to the north of the site are already partially overlooked from a five storey flatted development to the west but the current proposal will significantly worsen any overlooking as a number of the new windows proposed are within close proximity and have more direct views towards neighbouring properties. Several of which are less than 4m away from neighbouring boundaries and approximately 10m away from rear elevations. Whilst it is noted that a number of the views would be oblique due to the design of the block, many of the windows would have direct views from an elevated position towards neighbouring windows and rear gardens. The level of overlooking, both real and perceived is considered to result in a negative relationship and would exacerbate the issues associated with the bulk and scale, as identified above.
- 8.39. The sunlight/daylight report indicates that (of the properties tested) a total of 16 windows would fail the daylight assessment, all of which would be from the rear elevation of the terrace of properties directly to the north of the site. All of the windows to the northern elevation of nos. 41 and 43 would fail the daylight assessment test and two windows from each of 1/2, 3/4, and 5/6 May Cottages would fail the test.
- 8.40. With regards to the sunlight assessment, four windows would experience a noticeable reduction in the amount of sunlight received in both summer and winter months and a further three windows would see a noticeable reduction within winter months only. Again all of these windows which would be impacted are located within the terraced properties directly to the north of the site.
- 8.41. In relation to overshadowing of external amenity space, the assessment indicates that the rear gardens of 41/43 Hollingdean Road and 1-6 May Cottages already suffer from limited levels of direct sunlight. Whilst the existing/proposed levels of sunlight are not set out in detail within the submission, the submitted shadow path diagrams indicate that all of the gardens assessed to the north of the site would experience a noticeable loss of direct sunlight as a result of the proposed development.
- 8.42. It is acknowledged that the BRE tests provide only guidance and do not provide an indication of a level of impact which should amount to refusal of a planning

application; they do though, provide a useful reference when assessing developments such as this. In this case it is considered that there are a number of impacts to neighbouring amenity including, overlooking and an overbearing impact. The additional consistent failure of a number of the BRE tests for nos. 41/43 Hollingdean Road and 1-6 May Cottages in combination with the other issues raised above is considered to amount to an impact which would warrant refusal of planning permission. The objections raised above illustrate and reinforce the view that the scale of development proposed is too great for the constraints of the site.

8.43. Standard of Accommodation for Future Occupiers:

The proposed accommodation would be split into two distinct elements; including 72 studio rooms and 16 cluster rooms with shared facilities. The studio rooms range from 17m² to 22m². The main block would accommodate 63 of the studios and each would include individual cooking facilities in addition to access to a communal common room at ground and basement levels. A further 9 studio rooms would be set in the gatehouse section of the site, set over three floors. The cluster rooms would be set in 3 adjoining blocks within the western section of the building and would include 16 en-suite bedrooms set over the three upper levels with shared living rooms and kitchens at ground floor levels.

- 8.44. As identified above, the scale of the development proposed is considered too great for the constraints of the site. The overly scaled nature of the building is further exemplified by its close proximity to the retaining wall of the Sainsburys service ramp and the vehicle ramp to the Sainsburys car park which are at the rear and west of the application site. The service ramp rises from west to east and would be level with the top of the first floor/bottom of the second floor windows to the rear elevation. Due to the close proximity, a number of rooms at ground and first floor would have a single aspect outlook onto a high retaining wall set 3m away, which supports a service ramp beyond used by large commercial vehicles accessing the service yard for the adjacent superstore.
- 8.45. The communal living rooms for the cluster units would also be set between 1.2m and 2m away from the retaining wall to the south, and as a result would suffer from severely restricted outlook. The majority of the communal space within the main block would be located within the basement with the outlook confined to lower ground and ground floor windows facing towards the retaining wall.
- 8.46. Due to the scale of the footprint of the building, the site would also have minimal external space for the use of future occupiers. The amenity space would be confined to an undercroft seating area to the front of the building and the courtyard area; the majority of which would be overshadowed by the development itself. A raised deck area would be provided to the south west corner; however this would be for the sole use of only two of the proposed studio units.
- 8.47. The scheme has been amended from the original submission and the number of studios/bedrooms at ground floor level has been reduced. Furthermore the sizes of the windows to the rear and side elevations have been increased

significantly in order to maximise the amount of light each room would receive. However, the concerns regarding the restricted nature of the site and the proximity to the retaining wall, with minimal external amenity space would still remain and the amendments are not considered to address the concerns raised.

8.48. The submitted Sunlight and Daylight report gives an assessment of the studio rooms at ground floor level. BRE guidance recommends an Average Daylight Factor (ADF) of 5% for a well daylit space and 2% for a partly daylit space. The guidance advises minimum values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. As a studio is effectively a combination of the three rooms above, a reasonable approach to take for student accommodation is considered to be 1.5%. Only the ground floor level studio rooms were tested and the results indicate that three of the 12 studio rooms would fall below 1.5% ADF.

8.49. On a scheme of 88 units, this shortfall in natural light levels is not particularly significant; however light levels only form one part of an assessment of overall standard of accommodation. The poor outlook would remain to several of the studio rooms and the communal space. As identified above, the majority of the courtyard area would also be overshadowed for the majority of the year. A number of the units within the upper levels would benefit from satisfactory levels of natural light and outlook however the overall standard of accommodation is not considered acceptable due to the constrained nature of the development and the close proximity to the adjacent retaining wall. Accordingly, the application is recommended for refusal on this basis.

8.50. Sustainable Transport:

The proposed development comprising a large number of student studios will generate a substantial number of trips to and from the site. A transport assessment has been submitted as part of the application submission which indicates that the greatest impact in the local highway network will be derived from pedestrian movements. The site is located close to the sustainable transport corridor of Lewes Road which includes ample opportunities for the use of public transport. Furthermore the site would include 84 cycle parking spaces for the use of residents.

8.51. The sustainable transport team have calculated that the development would require a sustainable transport contribution of £36,450. This has been agreed with the applicant and would be secured via a S.106 agreement in the event of an approval. The following measures would also be secured by condition/legal agreement in the event of an approval:

- A travel plan securing details to encourage future occupiers to use sustainable transport methods
- A Construction Environment Management Plan
- A full cycle parking scheme
- Implementation of a new crossover / reinstatement of the old crossover
- A student move in/move out management plan

8.52. The applicant has provided an example scheme detailing a move in/move out strategy detailing that students will be given allocated time slots and additional

staff will be available on site. There are concerns regarding how this would work given the constraints of the site and lack of on-site/local off-site parking, however further details could be secured by condition in the event of an approval.

8.53. The site includes one disabled parking space and does not include any other on-site parking. The site therefore has the potential to generate on street parking albeit the site is outside of a CPZ but within an area of high demand. It is also noted that nearby CPZs have recently been expanded and several recent completions of other PBSA development within the vicinity have further reduced the availability of on-street parking. The draft student management plan indicates that students will not be permitted to bring vehicles to the site or to park locally, however in reality this would be difficult to enforce by the Local Planning Authority. On this basis the sustainable transport team have raised concerns that the proposed development still has the potential to generate on-street parking and therefore consider that a survey and analysis of street parking is required in order to ascertain the level of parking that the development would generate, and whether the local area could accommodate the additional demand created.

8.54. As no analysis or survey has been produced, the application has failed to demonstrate that the proposed development would not result in an impact on the local highway network in terms of parking generated. On this basis the application fails to address the requirements of policies CP9, TR7 and SPD14 guidance. Whilst it is acknowledged that further information could have been sought in order to address/mitigate this issue, the other objections to the proposal would remain. It was therefore not considered reasonable to put the applicant to additional cost, given these other outstanding fundamental issues.

8.55. Sustainability:

In regard to sustainability measures, the scheme incorporates strategies including the use of sustainable materials, efficient thermal building fabric, a heating strategy based on Gas CHP 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, green walls and green roofs. Sustainable drainage systems are also proposed.

8.56. Overall subject to securing a BREEAM rating of 'Excellent' for the proposed development, it is considered that the proposed development adequately addresses policy CP8.

8.57. 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. A number of measures could be secured to encourage use of sustainable transport modes including cycle storage for all occupants, restricted routes of construction traffic and electromotive charging points. Furthermore it is considered that the proposed development is likely to generate less operational traffic than the existing land use. In addition, areas of planting are proposed to terrace areas, flats roofs and walls. On this basis, it is

considered that proposed development would appropriately address policies SU9 and DA3.

8.58. In regard to drainage, a Flood Risk Assessment, Surface Water Strategy and SUDS Assessment has been submitted. The Flood Risk Management Officer has raised no objections to the proposal subject to full details of the proposed drainage strategy and systems be secured by planning conditions.

8.59. Other Matters:

The applicant has agreed to provide a number of financial contributions in accordance with City Plan policy CP7 and the developer contribution technical guidance as set out below:

- Construction Training and Employment Safety
- Travel Plan
- Contribution to Artistic Component.
- Submission of a Student Management Plan.
- Sustainable Transport Contribution
- Open Space Contributions

8.60. An informative is recommended reminding the applicant that this would be secured in the event permission was recommended.

9. CONCLUSION

9.1. The proposed development would provide 88 student studios/cluster rooms which represent a substantial contribution towards the need for purpose built student housing in the city. The site is in a good location within the city for such developments; being in close proximity to University teaching accommodation and on the sustainable transport corridor of Lewes Road.

9.2. Whilst student accommodation on site is not objected to in principle, the current proposal is considered overly scaled and would fail to address the constraints of the site. As a result, the development creates a number of knock on effects including: impact on local dwellings from overlooking/overshadowing; a poor standard of accommodation for a number of the units due to restricted outlook and a failure to demonstrate that a scheme of this size would not adversely impact on the local highway network.

9.3. It is acknowledged that there would be a number of benefits associated with the proposal, including the provision of PBSA in an area allocated for such development, however the benefits are not considered to outweigh the harm associated with the proposed overdevelopment of the site. Accordingly, refusal of the application is recommended.

10. EQUALITIES

10.1. Five of the proposed studio units would be wheelchair accessible, equating to 5.7% of the overall student units.

