

<u>No:</u>	BH2019/01272	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Moulsecoomb Way Brighton BN2 4PB		
<u>Proposal:</u>	Demolition of existing industrial (recycling), community and residential buildings and erection of a new development with buildings ranging from 5 to 7 storeys providing a mix of new community (Class D1) and employment (Class B1) floorspace at ground floor level and 373 student bedrooms with communal facilities on the upper floors along with landscaping, public realm improvements and public and communal open space.		
<u>Officer:</u>	Mick Anson, Tel: 292354	<u>Valid Date:</u>	25.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.09.2019
<u>Agent:</u>	Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF		
<u>Applicant:</u>	McLaren (Moulsecoomb Way) Ltd C/O Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Planning Obligation and the conditions and informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 26th February 2020, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report.

S106 Heads of Terms

- Demolition and Environmental Management Plan (DEMP) to be submitted and agreed prior to demolition works on site
- Construction and Environmental Management Plan (CEMP) to be submitted and agreed prior to the commencement of works on site
- Student Accommodation Management Plan
- Phasing Plan
- S278 Agreement prior to the commencement of highway works
- Priority marketing for B1 c) purposes for not less than 6 months
- Local Employment Scheme Contribution of £36,700 towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry.
- Employment and Training Strategy - Minimum of 20% local employment for the construction phase.
- Open Space and Recreation Contribution of £448,919 to go towards improvements to the facilities in Moulsecoomb Leisure Centre, outdoor

multi use games areas and small sided outdoor recreation provision and projects in Wild Park, Bevendean Down and Hollingbury Hill.

- Public Art - Contribution of £41,000 to go towards commissioned art on site or within the immediate vicinity of the site.
- Sustainable transport contribution - amount to be agreed by Planning Manager on receipt of additional information
- Car club scheme to provide 1 bay within the public highway.
- Travel Plan measures for the whole development include loans and subsidies for rail, bus, bike share scheme use, car club or bicycle purchase.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
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List of drawings to be provided on Late List

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

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

3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

4. The development hereby permitted shall not be commenced (with the exception of demolition works) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the Local Planning Authority. This strategy will include the following components:

- a). A preliminary risk assessment which has identified:
 - i) All previous uses
 - ii) Potential contaminants associated with those uses
 - iii) A conceptual model of the site indicating sources, pathways and receptors
 - iv) Potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme based upon (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
- c) The results of the site investigation and the detailed risk assessment referred to in (b) and based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution and to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution and to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

6. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to the commencement of development (with the exception of demolition works) hereby approved, evidence should be submitted to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must

demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

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

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

- 8. Prior to the commencement of development (with the exception of demolition works) a feasibility study should be carried out into the practicality of installing a rainwater harvesting system to serve the development. In the event that the feasibility study finds that a rainwater harvesting system is practical to install then details should be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation in strict accordance with the approved details thereafter.

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

- 9. No development (with the exception of demolition works) 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 'Drainage Strategy & Flood Risk Statement v3.0', dated April 2019 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 construction commencing.

To discharge the condition above by the LLFA, the applicant will need to provide the following:

- a) Details of an appropriate soakaway test together with the results in accordance with Building Research Establishment Digest 365 (BRE365).
- b) Appropriate calculations to demonstrate that the final proposed drainage system will be able to satisfactorily accommodate both winter and summer storms for a full range of events and storm durations.
- c) The applicant should demonstrate to the satisfaction of the Local Planning Authority that the surface water drainage system has been designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

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

- 10. No development above ground floor slab level shall take place until 1:20 scale elevations and sections of the B1 floorspace, student accommodation and community use which shall include balconies and entrances, window type and openings, window reveals, cladding or brickwork and glazing details

have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to minimise overheating of the accommodation within the building to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

11. No development above ground floor slab level shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction and enhancement of the site for biodiversity through the creation, restoration and enhancement of semi-natural habitats, the provision of at least 10 bird boxes including some swift bricks, 6 bat boxes and insect boxes, and the provision of green roofs and walls, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details have been submitted to and approved in writing by the Local Planning Authority showing the provision of electric vehicle charging points for a minimum of 20% of all parking spaces to be provided on site and a 100% provision of passive electric charging points. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

13. Prior to completion of shell and core of the development hereby permitted details of a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, height, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

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

14. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

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

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

15. Prior to occupation of the development hereby permitted details of the construction of the area of chalk grassland green roofs as shown on drawing no: 1746-P-019D have been submitted to and approved in writing by the Local Planning Authority and installed. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

16. Prior to occupation of the development hereby permitted details including plans and sections of the final design and location of the proposed photo voltaic panels as shown on drawing no: 1746-P-019D to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority and installed. The photo voltaic panels shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

17. Within the student accommodation, all corridors and stairwells together with those communal kitchen/lounge/diners (as shown on the approved plans) shall be fitted with motion controlled infrared light switching with timers. Prior to completion of the cladding of the development hereby permitted details of the specification, location and times of operation shall be submitted to the Local Planning Authority for approval.

Reason: In order to mitigate the impact of artificial lighting hereby approved on the setting of the natural background including the National Park and to avoid disturbance or to prevent sensitive species from using their territory, including the tree belt to the north of the development site, or having access to their breeding sites and resting places and to comply with policies QD27 of the Brighton and Hove Local Plan, policies CP10, CP12 and SA5 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

18. Notwithstanding the plans and documents submitted and prior to completion of shell and core of any part of the development hereby permitted, details of pedestrian movements into and around the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the legibility of the site and the safe movement of pedestrians in and around the site and to comply with policy TR7 of the Brighton & Hove Local Plan and policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

19. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site

is complete and to comply with policy SU11 of the Brighton & Hove Local Plan.

20. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory, including the tree belt to the north of the development site, or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- a) External lighting of the site and any light installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Obtrusive Light GN01". Post completion, a certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted and any lighting shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- b) All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policy CP10 of the Brighton and Hove City Plan Part One.

21. Prior to occupation of the development hereby approved, a 20 year Landscape and Ecological Management Plan to include all of the communal residential and commercial areas and the ecological green roofs shall be submitted to and be approved in writing by the Local Planning Authority and be fully implemented thereafter unless otherwise agreed in writing.

Reason: To ensure that the landscaping and ecological scheme is maintained in the long term and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the Brighton and Hove City Plan Part 1.

22. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the

development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

23. Within 6 months of occupation of the development hereby permitted the redundant vehicle crossover(s) on Moulseccomb Way serving the existing waste facility shall have been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

24. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

25. The development hereby permitted shall not be first occupied until details of the specifications and layout of the disabled car parking provision and future management of demand for the same by and for the occupants of, and visitors to, the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

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

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to comply with policy SU3 of the Brighton and Hove Local Plan.

27. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out with the approved details.
Reason: To ensure that the proposed redevelopment does not harm groundwater resource and to comply with policy SU3 of the Brighton and Hove Local Plan.
28. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & 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 & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
30. All ecological measures and/or works shall be carried out in accordance with the details contained in section 6 of the Preliminary Ecological Appraisal and Bat Survey Report (Delta Simons, 18/09/19) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
31. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

32. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards. The development hereby permitted shall not be occupied until the new/extended crossovers and access points have been constructed.
33. The development hereby permitted shall not be occupied until the new/extended crossovers and access points have been constructed.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
34. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. Prior to occupation, details of sound proofing measures hereby approved shall be implemented in strict accordance with the acoustic design criteria, details and recommendations contained within the Noise Impact Assessment Report (KP Acoustics) 18911.NIA.01 Rev. A and the Planning Compliance Review, Report (KP Acoustics) 18911.PCR.01 Rev. A, both dated 17.04.19. The measures shall include the following:
- a) All glazing with a minimum specification as that found in Table 5.3 'Example Glazing Types', Glazing 'Type A' and Glazing 'Type B' shall be installed on the facades as indicated in Figure 5.1 'Glazing Type Locations' of the Noise Impact Assessment.
 - b) alternative means of ventilation shall be provided for background ventilation purposes with the bare minimum being the 'ADF System 1' as specified in Table 6.1 'Ventilation Systems' of the Noise Impact Assessment as per the recommendation in section 6.0 'Ventilation Strategy'
- Reason:** To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
36. 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 more than 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there should be no significant low frequency tones present.

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

37. All activities and operations associated with any B1 (c) employment activities including servicing and loading shall only take place between the hours of: 07.00 and 23.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
6. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

7. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the north side of Moulsecoomb Way at the junction with the Lewes Road and backs onto the Brighton to Lewes railway line. The site measures approximately 0.47 hectares, formed by bringing together 3 connected land parcels. The current uses are two semi-detached 2 storey cottages next to the railway viaduct fronting Lewes Road, adjacent to which is the waste processing facility. The waste facility comprises a large brick and metal clad warehouse equivalent to 2 storeys with external storage and parking around the curtilage. It has 2 points of vehicular access from Moulsecoomb Way. Adjacent east to the waste facility is St Francis of Assisi Catholic Church which is set back from the site and has domestic appearance resembling a 1930's dwelling. It appears to have been extended back in the past to accommodate the church itself. To the rear is a separate church hall and the site has parking at the front.
- 2.2. Surrounding the site is a part 2/3 storey industrial building on the east flank of the church, part of the Fairway Industrial Estate, whilst to the rear between the railway line and the buildings is a prominent belt of mature trees. Opposite the site is a mainly 2 storey residential development of retirement flats and houses ('Broadfields') which is set back from Moulsecoomb Way. Adjacent and east of 'Broadfields' is Moulsecoomb Leisure Centre.
- 2.3. The proposed redevelopment would comprise mainly a 6 storey development with some set back elements at 7 storeys. At the western end at ground and first floors would be Class B1 a) and c) employment space with student accommodation above. Above the employment space and extending across the whole development would be the student accommodation comprising a mix of studios and 5-8 cluster room flats. Access to the student accommodation is central whilst the employment space entrance would be on the south west corner. The eastern half of the development is set back on a similar building line to the church retaining the amenity space at the front including 2 large trees subject of Tree Preservation Orders. At the rear the development would be arranged around 2 large linked amenity spaces for the employment and student occupiers respectively. Parking for vehicles and bicycles would be located at the rear of the site. Due to the topography, most

of the car parking would be below a podium above which would be the accommodation whilst the cycle parking would be under podiums providing amenity space.

3. RELEVANT HISTORY

- 3.1. BH2002/03339/FP - Change of use of the former bus depot to a waste transfer and recycling centre to allow sorting, crushing, recycling and transfer of waste. Approved 21.03.2003

4. PRE-APPLICATION ADVICE

4.1. Design South East 1 (September 2018)

(Proposal was 9 storeys; 435 student rooms; 951 sq. m B1; community space; 20 parking spaces)

- Prominent corner is an appropriate location for development
- Opportunity to make more efficient use of a site within a corridor undergoing intensification
- Inclusion of employment and community uses to establish mix of uses is positive
- Analysis has demonstrated that a building of reasonable scale (up to 8 storeys) could be introduced.
- Proposed heights are not a significant concern but high overall density is challenging
- Car park at the centre of the scheme does not work well
- Alternative layouts should focus on quality and use of external spaces created
- Further consideration of how the scheme can positively address surrounding streets to strengthen urban structure. Appropriate viewing points from within National Park should be identified.

4.2. Design South East 2 (February 2019)

(Proposal was 5-8 storeys; 405 student rooms; 1100 sq. m B1; community space; 11 parking spaces)

- Scheme has improved since previous design review and arrangement allows better quality internal and external spaces
- Further work required to simplify and refine the proposal at more detailed level
- Scheme should not compete with the railway bridge
- Overall massing is generally appropriate but reducing number of setbacks and level changes would create a more coherent profile
- A reduction in variety of materials and detailing would be beneficial
- Focussing on precedent typologies such as mansion blocks or college squares would help move away from 'corporate' character
- Relationship with neighbourhood has improved by more continuous street frontage defines edge to Lewes Road and Moulsecomb Way better. Increased height at corner is more logical

- Arrangement of external spaces has improved but increasing connectivity. Relocation of parking into rear deck area is particularly helpful
- Locating the commercial frontage on the corner will enhance its appeal to potential tenants

4.3. Officer's Pre-app Response no. 1 (October 2018)

(Proposal was 5-9 storeys; 435 student rooms; 951 sq. m B1; community space; 20 parking spaces)

- Key policy issues set out in Officer Response 2 below:
- Site contains not just employment uses. Opportunity to make efficient use of this assembled site within a city development corridor and to increase density on existing brownfield land in a sustainable manner.
- The development would result in a net loss of employment floorspace compared to the existing buildings on the site. The starting point would be no net-loss of employment floorspace.
- Need to demonstrate that the replacement employment floorspace would provide appropriate replacement provision in terms of the quantity and quality of the employment units and number of jobs.
- Need to demonstrate net loss of community floorspace is useable and flexible.
- Loss of 2 dwellings could be justified by overall benefits of the scheme.
- Concerns with the layout, scale and design of the development. The 45° angled layout of the western part of block A does not positively address the Lewes Road and Moulsecoomb Way junction. Rear wings of block A would be too close to each other resulting in mutual overlooking.
- Appropriate to locate the higher part of the development adjacent to the Lewes Road/ Moulsecoomb Way junction.
- Height and scale of block A, at 9 storeys, may appear too prominent and out of character with the local context.
- The layout of block B presents a narrow front wing to Moulsecoomb Way, which would not provide a positive relationship with the streetscene, or the stronger building line of block A.
- The mix of the student accommodation which would be predominantly cluster units would comply with the Council's emerging policy in CPP2. The size of studio units should be between 16-20sqm and the size of the cluster units should be over 13sqm to provide good living conditions for students.

4.4. Officer's Pre-app Response no. 2 (April 2019)

(Proposal was 5-7 storeys; 372 student rooms; 1100 sq. m B1; 1200 sq.m community space; 11 parking spaces)

- Key policy issues are that the site is an allocated employment site under policy CP3 of City Plan Part One which promotes the site for employment uses and seeks to protect existing identified sites.
- Policy WMP6 of the adopted East Sussex, South Downs and Brighton and Hove Waste & Minerals Local Plan (2013) relates to the safeguarding of existing waste management facilities. The site is identified in Policy SP6 of the Waste & Minerals Sites Plan (2017). It

should be demonstrated that there is alternative waste capacity in the strategic area.

- Policy DA3 identifies the Lewes Road for improving higher education provision and the development of PBSA is subject to the criteria in policy CP21 of City Plan Part 1.
- Retained policy HO8 of the adopted B&HLP should be addressed in respect of the loss of existing residential units on site.
- Policy HO20 of the B&HLP should be addressed in respect of the loss of community facilities.
- The design, massing and heights of the proposed development are considered to be more satisfactory subject to detailed analysis of important viewpoints agreed across the valley and affecting the setting of the National Park. Maximum height reduced to 7 storeys following officer advice to take account of topography and tree line. Need to avoid interaction with silhouette of bridge as seen from Wild Park.
- The appearance and 'art deco' design of the buildings is simpler, more coherent and would provide a good quality of design, good articulation to elevations and relationship with the railway bridge, topography and the natural landscaping has been notably improved since earlier iterations.
- Amenity spaces improved by opening them up. Set back of 4 metres from road frontage will enable substantive tree planting.
- A very high (close to 100%) pass rate set against the BRE guidance will be expected in respect of ADF levels to the proposed student rooms.
- Transport impacts remain a concern in particular the low provision of car parking on site including disabled parking and the potential impact on the wider neighbourhood from overspill parking. It will need to be demonstrated through parking surveys, a transport assessment, travel plans and sustainable transport measures that the impacts would be limited to an acceptable degree.

5. REPRESENTATIONS

- 5.1. Councillor Amanda Grimshaw – Object (comments attached)
- 5.2. Councillor Kate Knight – Object (comments attached)
- 5.3. Councillor Dan Yates – Object (comments attached)

- 5.4. **Fifteen (15) letters** have been received objecting to the proposed development for the following reasons:

Adversely affects conservation area; additional traffic; inappropriate height of development; tall buildings will alter the character of Moulsecoomb; twice the height of the viaduct; impact on the National Park; will set precedent for tall buildings in the area; noise; pollution; overdevelopment; overshadowing; residential amenity; overshadowing railway bridge; traffic; student properties no benefit to community; will not ease HMO pressure; loss of 3 family homes; will add to parking strain due to football; developer should pay for parking permits to restrict student parking; insufficient parking on site; local residents will be forced to have resident permit scheme; leisure centre will be forced to have parking enforcement in; no evidence that students do not use cars to support low car parking strategy; example of Stanmer Park used for free

parking all day; should build affordable housing; Moulsecoomb needs more retail, improvement to parks. Overdevelopment; poor design; social housing needed; proliferation of purpose built student housing; demand for overseas students will drop off; build community hub or family housing; late night noise from students, more refuse, insufficient public transport; out of character to the identified industrial estate and not in keeping with family housing; too close to the school; would be seen in the view of the slopes of Bevendean and Moulsecoomb; after a year the students will be in HMO's in the area

5.5. **Sixty-four (64)** letters have been received supporting the proposed development for the following reasons:

Homes currently blighted by vermin, dust, noise and smell from waste site. Proposal would free up student HMO's; removes serious hazard from corner of Moulsecoomb Way; student occupants will not pass through the neighbourhood; create jobs for locals. Good design; remove noisy use, reduce congestion; improve air quality for residents and school children. Proposed employment will be clean. Student accommodation preferable to waste site and more appropriate to location. Current building is an eyesore. Waste site causes traffic congestion due to lorry movements. Issue of on-street parking would be addressed by strict restrictions on the occupants. Easy walking and bus travel to student buildings. Full time warden on site. Will bring much needed modern development to Moulsecoomb changing the perception of the area; the current waste site is a commercial operation so fly tipping would not result if permission granted; existing customers could still have an account with the business (KSD) if it relocated to Newhaven; city is unable to meet housing demand and holiday let accommodation so development would take pressure off housing stock is welcome; boost local economy bringing local employment and boost to the supply chain; overall benefit outweighing objections which are not in accordance with NPPF; existing use causes flooding in blocked drains due to dust and waste; extra students and employees will boost local business in Moulsecoomb.

6. CONSULTATIONS

6.1. **Arboriculturalist:** Objection

The proposal will result in the loss of important trees at the junction of Moulsecoomb Way and Lewes Road; these trees make a significant contribution to the treescape of a residential area that has an existing low level of tree cover and biodiversity. The loss of a large Sycamore that provides visual screening to an unsightly railway viaduct is to be lamented and the loss of an Elm (a component of the national Elm collection) and located on public land cannot be supported.

6.2. **City Clean:** No objections

The waste storage areas are large enough for the amount of bins needed. The access and collection arrangements are acceptable.

6.3. **East Sussex County Archaeologist:** No objections

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals.

6.4. **Ecologist:** No objections

Final comments

Recommend for approval in principle subject to the imposition of conditions. Whilst the application has not met best practice standards, it is possible that the risk is capable of being mitigated to acceptable levels by conditions recommended.

Initial comments: Objection

6.5. The site is not designated for its nature conservation interest. The SDNP and Wild Park Local Nature Reserve (LNR) are located 87m to the west of the site and there are unlikely to be any significant impacts on their nature conservation value. The site supports semi-natural broad leaved woodland trees, scattered scrub, amenity grassland, intact species-poor hedgerows and hard standing. The woodland should be should be retained and enhanced. The vacant church was assessed as offering low bat roost potential and further surveys should establish their presence or not. No evidence of bats were found in the two cottages. Further re-survey work should be carried out over a longer period than 24 hours and the results of the tree bat survey work should be presented. The presence or absence of protected species should be established before planning consent is granted and not be subject to conditions. Enhancement of the boundary vegetation should be secured for foraging opportunities and this boundary should remain unlit. Other enhancement opportunities should be sought for ecology such as green walls, the provision of bat, bird and insect boxes. The green roofs proposed should be chalk grassland not sedum for greater biodiversity.

6.6. Initial comments: Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Further advice will be provided upon receipt of additional information.

6.7. **Economic Development:** No objections

Final comments

City Regeneration welcomes the proposed changes and, on balance, after taking these into consideration and the overall merits of this revised application alongside Policy CP3, has no negative comments regarding this application. To protect business operations and its associated workforce, planning should only be given on the proviso KSD Environmental Services has alternative premises to relocate to. City Regeneration welcomes the revised plans which allow for an increase in employment floorspace and thereby the revised proposals do not result in a net loss of employment floorspace on the proposed development site.

6.8. The applicant has also provided additional information regarding proposed flexible employment floorspace, which is in response to our previous

comments and welcomed by City Regeneration. The amended plans show floorspace which can be sub-divided to provide accommodation for a range of business sizes, high floor to ceiling heights, a long street frontage for maximised individual entrances, load bearing columns to allow flexible frontages, and an open plan arrangement on ground and first floors. High quality and flexible employment floor-space is generally welcomed.

- 6.9. Should this application be approved, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £36,700. A full breakdown of the sum requested is included in the Main Comments section.

No objections

- 6.10. City Regeneration has concerns regarding the proposals put forward to redevelop this site. The proposal would provide high quality and flexible B1 floorspace and a greater density of employment floorspace, which would provide opportunities for a higher number of jobs, compared to the existing arrangement. However, City Regeneration is concerned about the loss of this protected employment floorspace, particularly as there is clear evidence of a lack of supply of commercial floorspace to meet demand, and considers that protected employment floorspace should be safeguarded to help support the economic growth of the city. Should this application be approved, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £46,110 and there would be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval.

- 6.11. **Environmental Health:** No objections

The noise assessment has made detailed reference to applicable standards and guidelines. The methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. When considering the recommendations of the assessment, if implemented correctly, the measures proposed should achieve appropriate levels of soundproofing and subject to appropriately worded conditions, I have no reason to refuse the application with regards to the potential for noise.

- 6.12. The proposal is a significant development and site activities could generate large amounts of noise, vibration and dust. As such, a detailed CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. This should also be secured by an appropriately worded condition.

- 6.13. **Planning Policy:** No objections

Final comments

Waste - Initial concerns were expressed that the proposals would result in an overall loss of waste capacity across the Waste Plan area as the transfer of the Moulsecocomb operations to a vacant permitted site in Newhaven would

not represent new permitted and delivered capacity to replace that lost on the application site. Further information has been submitted by the applicant which is intended to demonstrate that the proposed replacement site is capable of achieving waste throughputs of over 100,000 (tpa) and not 75,000 (tpa) as allowed for in the waste plan. This would allow the new site to accommodate the existing operations at Moulsecoomb in addition to the existing assumed maximum potential capacity of the Newhaven site.

- 6.14. This is a pragmatic approach which would enable the purpose of Policy WMP6 to be achieved through the avoidance of a net loss of waste management capacity in the Plan Area (i.e. the administrative areas of Brighton & Hove and East Sussex), and would not compromise the policy approach set out in the WMLP. A robust assessment of the site's ability to achieve these higher levels of throughput has been provided and it is noted there are no limits to throughput attached to the planning consent at the Newhaven site. Site specific analysis of planning constraints relating to the conditions on the existing permission and comparisons with the throughputs of other, similarly sized sites processing similar material are included. It is considered that the information submitted adequately demonstrates that the required higher level of throughputs can be achieved.

Employment

- 6.15. As set out previously, the introduction of non-employment related uses onto a protected employment site would be contrary to City Plan Policy CP3. However, it is recognised that the protected employment site represents approximately half of the proposed development site, with the applicant having assembled a wider development area incorporating adjoining sites on either side which are not in employment use. Both of these other sites offer opportunities for to make more effective and efficient use of the available land, and to increase density on existing brownfield land in a sustainable manner. As previously noted, this would be a material consideration in determining whether an exception to policy in this regard could be acceptable.
- 6.16. It is noted that the plans have been revised to enable a small increase in the provision of employment floorspace so that the proposals do not result in a net loss of employment floorspace on the site. Although the increase is minor, it is nevertheless welcomed as a response to previous comments. Concerns were also raised previously regarding the flexibility of the proposed employment space and the importance of ensuring that any employment provision in a designated industrial location can accommodate a range of uses.
- 6.17. The applicant has now sets out in detail the measures incorporated into the proposed scheme to ensure it represents flexible employment floorspace through addressing the criteria set out in Policy DM11 of the draft City Plan Part Two. Although this policy is currently in draft form and holds limited weight, this information is considered important in considering the merits of the application given its conflict with City Plan Part One Policy CP3. The measures proposed include open plan space with flexibility to be sub-divided

to accommodate varying numbers of occupiers; high floor to ceiling heights; flexible incoming services and waste connections are provided; elevations would be flexible and capable of being able to accommodate glazing for office use or heavy duty delivery doors for B1c uses; concrete subfloor and raised floor designed to ensure it can take the load of the equipment and supplies held by a B1c operator.

- 6.18. The detailed response provided by the application provides some comfort that the proposed employment space would facilitate occupation by both B1(a) office use and B1(c) light industrial/tech occupiers and allows for a flexible approach to the layout of the building and space requirements of future occupiers. Letters demonstrating an interest in occupying the space have been received from two organisations whose activities may fall into the B1c use class, which lends credence to the applicant's assertions that the space would be suitable for this type of activity.
- 6.19. Taking all issues into account, no objection is raised in this instance despite the conflict with CP3 given the specific material considerations relating to this application site and the proposal under consideration.

Initial comments

- 6.20. The waste transfer and recycling within the site boundary currently operated by KSD Environmental Services Ltd is considered to be a strategically important facility and is safeguarded under Waste & Minerals Plan Policy WMP6.
- 6.21. The central part of the site containing the waste transfer and recycling centre is identified in Policy CP3 of the Adopted City Plan Part 1 as part of the Moulsecoomb and Fairways Industrial Estate, a primary industrial estate protected policy for business, manufacturing and warehouse use (B1, B2 and B8) as well as appropriate sui generis uses as specified in the policy. The principle of the introduction of residential uses onto this element of the application site is therefore contrary to Policy CP3 and would represent an unwelcome precedent with regard to the other safeguarded sites set out in Policy CP3.
- 6.22. However, the overall application site does not only contain the allocated employment site, but also the adjacent residential and community sites. There could be benefits in reconfiguring this wider assembled site within a city development corridor to make more effective and efficient use of the available land, and to increase density on existing brownfield land in a sustainable manner. However, significant concerns remain that the proposed development would exclude the possibility of B2 and B8 uses being located in the site and the overall reduction in employment floorspace on a site where this should be the primary focus.
- 6.23. It is acknowledged that the site is well-located for PBSA, being situated on Lewes Road, the main route from Falmer into the city centre. No significant policy concerns are raised with regard to Policy CP21, subject to a formal agreement being secured to limit occupation of the development to student of

existing educational establishments in the city. The predominance of cluster flats is strongly welcomed.

6.24. **Public Art:** Comment

To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is suggested that the Artistic Component element for this application is to the value of £41,000. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

6.25. **Private Sector Housing:** No Comments

6.26. **Sports Facilities Team:** Comment

No physical health or sporting provision is included within the build, the need to enhance the existing local sport's facilities to accommodate the residents of this development would need to be considered. It would therefore be important to secure appropriate S106 contributions to assist in improving the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for those new local residents. The development is almost directly opposite the existing Moulsecoomb Community Leisure Centre (MCLC) which could support in providing the residents with accessible, affordable sport and physical activity opportunities. From the proposed allocation of residential dwellings the developer contribution we would therefore be seeking for sports provision would be £186,760 to improve the existing indoor sport and physical activity offer. Any such investment will support the students and employees of this development.

6.27. In terms of outdoor sports provision there could be opportunities to make improvements to the existing MUGAs and to potentially create improved small sided football provision. This has also, recently been highlighted as a priority in the Local Football Facility Plan by Sussex County Football Association.

6.28. MCLC currently has a large, free open car park which is provided for its users. However, if this development proceeds consideration and reassurances would need to be given regarding parking and the proposed provision and mitigation measures being implemented to prevent unauthorised use impacting on local residents and community facilities.

6.29. **Sustainability Adviser:** No objections

Follow up comments:

A thermal comfort analysis by SRE has been submitted showing that the windows include some solar shading in the form of vertical louvres to the eastern side of the windows in the student residential section. Both residential and office parts of the building pass the thermal comfort standards required for BREEAM rating under current and potential future weather conditions. Other passive features such as recessed windows would additionally help to reduce solar gain. The applicant's agreement to provide

20% Electric Vehicle Charging (EVC) points and 100% EVC ready is welcomed. The proposed roof plan showing the Photovoltaic (PV) array is acceptable. Detailed sections of the PV array to demonstrate whether they would be capable of incorporating a green roof without the angle of PVs becoming overly prominent should be required. The Flood Risk Manager is satisfied with the arrangements for SUDS and the green roofs which will reduce run off but the feasibility of rain water harvesting should be required by condition. The use of an alternative to CHP as an energy source would be preferred but this has been accepted on other sites recently.

Objection

- 6.30. The development is expected to achieve BREEAM 'Excellent' as set out in policy CP8 of the City Plan Part 1 which the applicant has committed to. A fabric first approach is welcomed and the U values for the development are praised. South facing glazing is welcome to contribute to passive winter heating from solar gain. There may be overheating of the office space in summer and a clear passive strategy is required. The use of green roofs is welcomed to reduce the heat island effect, moderate internal temperatures, improve diversity and minimise visual impact. The use of the Air Source Heat Pump (ASHP) for the commercial and community space is welcome. It would be preferable not to have CHP for the student accommodation which is not as economic. Energy system should be designed to be compatible with future connection to a network in DA3 Lewes Road area. The use of PV roof panels is welcome. SUDS would be an alternative preferred to soakaways.
- 6.31. Further information required in particular to demonstrate the requirements in policy CP8 would be met. Lack of site wide communal heating system and details for connection to heat network needed.
- 6.32. **Sustainable Transport: Comment**
Revised comments:
Concerns remain over the comparison developments used to estimate the travel forecasts in particular for the student accommodation. Mode share is based upon a Moulsecoomb Campus Travel Plan where no residential accommodation exists. Total 24 hour trips are between 0600 - 2200 which do not take account of night time economy trips. The applicants have not deducted existing use trips from the estimates which would support the application; however this should not prevent determination of the application.
- 6.33. Forecasts have now been provided for delivery trips but again based upon the same comparison sites. TRICS data does not take account of growing delivery and service movements such as home deliveries.
- 6.34. The Road Safety Audit for emergency access and on-street loading does not comply with standards.
- 6.35. The baseline pedestrian and cycling assessments do not comply with the industry-standard PERS/CERS method.
- 6.36. No collision data has been provided.

- 6.37. The on-street parking survey has been extended in area to take account of the potential employment floorspace but was carried out outside of University term time so would not account for parking by students in HMO accommodation. The survey did not take account of parking bays with restrictions. No estimates have been provided for parking demands except for the community use. The assessment of public transport provision has not been provided nor an Equalities Impact Assessment.
- 6.38. The Disabled parking provision on site is below the standards in SPD14.
- 6.39. Highway authority would object to removal of highway verge to provide for on-street loading. If acceptable on street loading cannot be provided then on site loading would be needed. On-street loading would not be permitted if the suggested loading ramps for B1 c) use are proposed.
- 6.40. Concerns remain about the absence of segregated/vehicle free pedestrian access to the community use. Accessibility for pedestrians within the site required. Further work required on visitor cycle parking and service delivery movements on site.
- 6.41. **Initial comments: Objection**
The current submitted Transport Assessment (TA) lacks some fundamental information submitted is not sufficient for the impacts of the application to be fully assessed, noting that this is a requirement of NPPF paragraph 111. As such our advice to the LPA is that it is currently not possible to determine the application.
- 6.42. Concerns expressed about the lack of proposed parking on site and resulting potential for substantial overspill from this large development. An important related reason is that the application site is not located in an area covered by an existing full time controlled parking zone (CPZ). These concerns were raised at the pre-application stage.
- 6.43. The applicant has since suggested both publically and in their submission that parking overspill should not be a concern since student tenancy contracts will specify that tenants may not keep a car in the city. Unfortunately, controls based on tenancy agreements are not enforceable by this authority and therefore would not comply with planning tests for specifying related conditions or obligations.
- 6.44. Whilst the applicant has provided an overnight parking survey within a 200m walking distance from the site, so far insufficient information has been provided for either purpose (i.e. demonstrating demand and capacity). Unfortunately this does not consider the fact that demand from other uses is likely to peak during the day rather than late at night and that parking restrictions (and therefore supply) may differ at that time.
- 6.45. The submitted travel forecast within the TA and its Addendum is currently unacceptable in a number of respects such as predicted trip rates. The TA

and Addendum assert that the development will support high use levels of walking, cycling and public transport use but this has not been evidenced using a robust travel forecasting exercise.

- 6.46. The on-site disabled parking proposed falls notably below standards set in B&HLP policy TR18 and SPD14 (Parking standards). We have concerns about the extent of segregation between pedestrians, on the one hand, and cyclists/motor vehicles within the community courtyard and other street fronting public areas.
- 6.47. The applicant has not presented a delivery and servicing forecast and this is needed to assess the suitability of the proposed 'inset loading facility' on Moulsecoomb Way.
- 6.48. The updated plans for the cycle stores show a substantial improvement but there are some remaining issues around space standards and detailed design.
- 6.49. Currently the Transport Assessment (TA) and related Addendum lack some fundamental information. This prevents us from being able to assess the highway impacts of the proposed development, which is a requirement of NPPF para 111.
- Parking overspill and stress
 - Travel forecasts
 - Collision data
 - Assessment of sustainable modes of transport
 - Delivery and servicing movements
- 6.50. Reserve the right to comment on other issues subject to further information:
- Movement diagrams
 - Cycle parking
 - Disabled Parking
 - Design of external spaces
 - Emergency service access to site from Lewes Road immediately south of rail viaduct
 - Equality Impact Assessment (EqIA)
 - Car club bays

External

- 6.51. **Brighton & Hove Archaeological Society:** No objections
The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development.
- 6.52. **Brighton & Hove Buses:** No objections
We run a high frequency service along the Lewes Road including 11 services. Welcome 'car free' development to promote sustainable transport. Confident that there is sufficient capacity on the above routes to accommodate additional trips generated by this proposed development.

Where there would be sustained level of increased services, we seek to match this with increased services. Offer Planning support.

6.53. **Brighton Housing Trust:** No objections

Brighton and Hove has a severe housing crisis, exacerbated by the expansion of the two universities. One consequence has been the loss of family housing, not least in the Moulsecoomb, Hollingdean and Coldean areas. There is an urgent need for additional, specialist student housing in order to free up family homes for local people. Local families are being forced out of the area because of the inflationary impact caused by students occupying former family and/or council housing. While I do not believe that this development will, in itself, turn the tide regarding the housing crisis in the city, it will make a small contribution. I welcome the additional community and commercial space that will be developed, believing that it will help to regenerate the area and make a positive contribution to the local economy.

6.54. **East Sussex County Council:** Objection

Final comments

ESCC is of the view that the capacity report provided by the applicant does not overcome our initial objection. We remain unconvinced that Policy WMP6, which requires that additional capacity has been permitted and delivered elsewhere in the Plan Area, has been satisfied.

6.55. The applicant's capacity report sets out the throughput the applicant believes would be required to accommodate both sites at the Old Timber Yard, Newhaven. This throughput is significantly above the historic performance of the site. Recent history of the Old Timber Yard site would suggest that 30 days storage capacity may be insufficient to maintain an increased throughput, especially in circumstances where destinations are not available to receive material from the site. The Planning Authority may wish to seek further information about how the business operates and that 30 could be provided that 30 days storage is sufficient.

6.56. Likewise, there are concerns regarding the space available to store the vehicle fleet whilst the site is in operation. The indicative plan within the capacity report does not indicate where they will be stored, or if additional vehicles will be required to maintain the operation, owing to the longer distances of travel involved. If these vehicles are moved to the Newhaven Site, it is not clear how this will impact on the storage space available.

Initial comments: Objection

6.57. The site occupied by KSD Environmental is a safeguarded waste site and its capacity under Policy WMP6 of the Waste and Mineral Plan (WMP). It could only be permitted where it is demonstrated that alternative capacity is permitted and delivered elsewhere in the Plan Area, or where it is demonstrated that the waste management capacity is no longer required to meet either local or strategic needs. The potential maximum capacity of each site in the Plan area was assessed including the need for permit limits, planning consent and vehicle movements and assumes that an operator would make maximum use of the site. It is not considered that it has been

demonstrated that alternative waste management capacity has been delivered elsewhere and the proposal would therefore represent a loss of waste capacity management. Considering the above, and that this is not an allocated site for the proposals, in our view this application is contrary to Policy WMP6 and a departure from the Development Plan, and should be resisted. Clarity should also be sought as to the effect of the displacement of approximately 200 HGV vehicle movements per day.

6.58. **Environment Agency: No objections**

We consider that planning permission could be granted to the proposed development, as submitted, subject to planning conditions related to land contamination, sustainable urban drainage and piling.

6.59. **South Downs National Park Authority: Comment**

The application site is located approximately 100m from the western boundary and 700m from the eastern boundary of the National Park. The height of the building is of most interest to the SDNPA. The location and siting of the building is likely to be visually prominent and not able to be screened by the tree belt to the north east. Considerable weight should be given to the landscape and visual impact of the building, particularly from elevated positions within Wild Park and from the public footpath from Falmer Hill across to Moulsecoomb on the setting of the special qualities of the landscape. The building is likely to rise up in view from the National park above the valley and if this visual interruption were to occur, this would be of concern to the SDNPA.

6.60. In addition, notwithstanding the existing infrastructure and other lighting in the valley, given the height of the building, the internal and/or external lighting may have significant effects on the dark skies of the National Park and, if appropriate, how it can be mitigated. The SDNPA have concerns about the proposals and would ask that the issues be fully considered and appraised.

6.61. **Southern Gas Network: No objections**

6.62. **Southern Water: No objections**

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

6.63. **Sussex Police: No objections**

No major concerns with the proposals. Cycle stores should be compartmentalised to accommodate approximately 30 cycles for access control.

6.64. **UK Power Network: No objections**

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
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
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise Nuisance

QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO20	Retention of community facilities
HE12	Scheduled ancient monuments and other important archaeological sites

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013):

WMP3d	Minimising and Managing Waste during construction, demolition and excavation
WMP3e	Waste Management in New Development
WMP6	Safeguarding Waste Sites

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted 2017):

SP6	Safeguarding Waste Sites
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Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to:

- Allocation of the site as a protected employment site under CP3 of City Plan Part 1
- The protection or re-provision of the site capacity as a waste site
- The location and provision of Purpose Built Student Accommodation
- The design and appearance of the proposed development site and its effect on the setting of the National Park
- The comprehensive regeneration of the parcels of the application site
- Parking and sustainable transport impacts

Planning Policy:

B&H City Plan Part One policy CP3

9.2. Approximately half of the development site is currently occupied by KSD waste services, being a sui generis use, and forms part of the wider allocated industrial estate identified in the Brighton and Hove City Plan Part One (CPP2) under policy CP3 (Employment) as well as being a safeguarded site under the East Sussex Brighton and Hove Waste and Minerals Plan (WMP)

under policy WMP6. There are two other parcels of the site being the 2 Class C3 dwellings and the class D1 church buildings on either side of the KSD site.

- 9.3. As confirmed by the Planning policy team, the proposal would be contrary to policy CP3.3 which seeks to protect the allocated employment part of the site in order to support job creation, the needs of modern business and the attractiveness of the city as a business location. CP3.3 also states that "the council will support proposals for the upgrade and refurbishment of these estates so that they meet modern standards required by business...and improve the environment and townscape of the site or premises".
- 9.4. Whilst the waste use is considered to be an employment use, the density of employment created by a Class B1 use would be likely to be greater. As part of the negotiations with the applicants, the B1 floorspace has been increased to 1,236 sq. m. to match the existing so that there would be no net loss of employment space. Although the increase since submission is minor, it has nevertheless been welcomed by the planning policy team in response to previous comments. The applicants have also amended the plans and provided a supporting statement which seeks to address the emerging policy DM11 of CPP2 to provide greater flexibility of B1 floorspace in respect of layout, floor to ceiling heights, servicing, ground floor elevations and floor loadings which could attract occupiers of B1 c) light industrial/high tech floorspace on the ground floor with B1 office floorspace above. Whilst policy DM11 holds little weight at present, the re-design of the ground floor would also go towards meeting the CP3 policy requirement in the supporting text at paragraph 4.34 that "new uses should not be introduced into an industrial estate/ premise that would preclude industrial and/or warehousing type uses." Letters demonstrating an interest in occupying the space have been received from two organisations whose activities may fall into the B1c use class, which lends credence to the applicant's assertions that the space would be suitable for this type of activity.
- 9.5. However, by including the two adjacent sites, the development provides the opportunity for a more comprehensive redevelopment of the 3 parcels in a more effective and efficient manner and to make better use of the land. Primarily, the proposal would enable the provision of modern efficient business floorspace which would go towards meeting the floorspace demands of small and medium sized businesses. The Economic Development team recognise that the new floorspace would enable high quality and flexible floorspace and advise that there is demand for units particularly in the 350 - 1000 sq m size by Small and Medium sized Enterprises (SMEs) as evidenced by low vacancy rates and higher rental prices for this type of unit. The projected workforce for this employment space would be 90 FTE jobs compared to the current 12 jobs. The student accommodation would also create 5 management jobs on site.
- 9.6. The redevelopment of the protected waste site alone as an employment use may be less likely due to economic and amenity reasons by being physically constrained and dislocated from the main industrial estate east of the church.

The waste operation has outgrown the site following incremental expansion in the face of local objections and the church buildings are old and not in good condition. It is therefore concluded that the opportunity to comprehensively redevelop these parcels of land to provide modern employment, community and student accommodation is a material consideration that would justify a departure from City Plan policy CP3.

- 9.7. The student accommodation at 2nd floor above the employment use would be insulated from any noise and disturbance from a potential B1 c) light industrial/high tech use, albeit the definition of a B1 use is a business use which could operate without harm to adjoining residents. The Environmental Health Officer has raised no concerns about noise from the proposed B1 use to the student accommodation or neighbouring residents. In contrast, many residents have referred to the noise and dust created by the current waste operator from the processing of waste as well as the high volume of lorry trips per day. This has been evident from officer site visits where it can be witnessed how the waste depot currently operates with the doors fully open all day whilst lorries arrive regularly to perform complicated manoeuvres on and off the public highway into the site. The entrance is in close proximity to the Lewes Road/Moulsecoomb Way junction at a point where visibility is poor due to the road bend and the overgrown hedgerow fronting the site. The potential to create more efficient modern employment premises would also provide a better neighbour to local residents opposite by removing the current operator and the associated traffic movements and is another significant material consideration in assessing the benefits of the proposals.

Waste

- 9.8. The applicants have provided additional evidence to demonstrate that the proposal could comply with current waste policies (WMP6) which seek to avoid an overall loss of strategic capacity for waste management. The development proposal would enable the applicants to facilitate the relocation of KSD Services to a vacant waste site in Newhaven (The Old Timber Yard) which has been used for waste management for many years but is currently vacant. In response to initial policy concerns that relocating to an existing waste site would not represent new permitted and delivered capacity to replace that lost, the applicant has provided more evidence to justify the proposal against waste policy criteria. The assumed recycling capacity of the Newhaven site, in the data that underpins the WMLP's assessment of existing waste management capacity, across the administrative area of Brighton and Hove and East Sussex is 75,000 tonnes p.a. However, as it has been demonstrated that the site would be capable of achieving waste throughputs of over 100,000 (tpa) which would allow it to accommodate the maximum level of throughput which has been observed at Moulsecoomb in recent years in addition to the existing assumed maximum potential capacity of the Newhaven site. It should be noted that the maximum permitted throughput at the Newhaven site as set by the Environment Agency permit is 150,000tpa. The Planning policy team consider that this would be a pragmatic approach which would enable the purpose of Policy WMP6 to be achieved through the avoidance of a net loss of waste management capacity in the Plan Area and would not compromise the policy approach set out in

the WMLP. The information submitted provides a robust assessment of the site's ability to achieve these higher levels of throughput and it is noted there are no limits to throughput attached to the planning consent at the Newhaven site.

- 9.9. It is noted that East Sussex CC has maintained its objection to the application due to concerns that 30 days of storage capacity may not be sufficient to maintain an increased throughput. In addition, ESCC has queried whether the site could accommodate the current operators (KSD) fleet of 33 vehicles. It is considered that the information in the Waste Capacity Report adequately addresses the first point on storage capacity, whilst the applicant has demonstrated the ability of the Newhaven site to store the fleet vehicles. It is therefore concluded in respect of the Waste capacity issue that the proposal would accord with policy WMP6 whilst improving the amenity of the area both visually and in respect of noise, dust and vehicle movements by relocating the current unneighbourly use to a more suitable industrial site and location fit for purpose.

Design and Appearance:

- 9.10. The proposed building would be between 5 to 7 storeys in height and would be a substantial element on this site. The site is an amalgamation of three sites being the two residential cottages, the waste recycling centre and the church on this prominent location at the junction of the main A27 Lewes Road and Moulsecoomb Way which is a significant distributor road into the Moulsecoomb neighbourhood. The site is also characterised by the substantial railway bridge, part of the Brighton to Lewes railway line, which dominates the streetscene at present and provides the background for the site. The other main characteristic of the site is its location on the valley floor with the rising slopes of the valley extending up to the slopes of the South Downs National Park.
- 9.11. It is considered therefore that the prominent location and setting of the site would justify a larger scale building. During a lengthy pre-application process, the height of the building has over time been reduced in height from 9 storeys to its current maximum of 7 storeys. The footprint and profile of the development has been carefully designed to retain the 2 large prominent trees at the front of the site, and to provide a visual break in the front elevations, to minimise interaction with the railway bridge in the streetscene particularly in views from Wild Park and the upper slopes of the National Park. The design has also taken account of neighbouring dwellings to mitigate any impacts on their amenity.
- 9.12. The apex of the site at the main roads intersection has influenced the design to provide a focal point for this prominent corner where the tallest element would be in a rounded shape picking up the curves of the railway arches. The building then reduces away from this point. The design philosophy harks back to the art deco designs of the past and would be mainly in brick materials with contrasting metal cladding elements which is considered to be appropriate. The upper floors would step back with repeats of the curved design again reminiscent of the art deco style. There is no particular

character or style of architecture in this location that should be followed and a modern interpretation of a style is acceptable. There are also reminders of the appearance of industrial buildings of the 1930's with tall narrow recessed windows and panels, strong vertical columns and solid horizontal supporting elements also seen on the adjacent site.

- 9.13. The proposal would provide linked amenity space to the front and rear of the building where 2 inner courtyards would be provided in a style reminiscent of traditional colleges and other educational buildings.
- 9.14. It is considered therefore that whilst the building is substantial, the location and the quality of the design is high and would conform to the objectives of policy CP12 of the City Plan Part 1 and national design policies and guidance.

Townscape views

- 9.15. The applicants submitted a landscape and visual impact assessment (LVIA) of the surroundings and setting of the development which has identified important viewpoints in consultation with the LPA at pre-application stage. The photomontages submitted were taken in winter when the proposed development would be most visible through the vegetation. The site sits in the valley floor of the Lewes Road in between the upper slopes of the National Park on both sides of the valley. The site is more prominent as seen from the Lewes Road, more so from the south with the railway bridge behind. No Listed buildings have been identified whose setting could be affected by the development. The scheduled ancient monument of Hollingbury Fort is 900m to the northwest of the site but the development would not be visible from it. Viewpoints of the site are limited by the dense woodland and the lower slopes particularly from within Wild Park and footpaths on Hollingbury Golf Course. The most sensitive viewpoints are from outside the built up area but are limited to close to the entrance to Wild Park from Lewes Road and an elevated footpath east of Moulsecomb. Other viewpoints from the built up area are along Lewes Road and Moulsecomb Way.
- 9.16. From the Lewes Road south, the site comes into view from 370 metres away in the context of blocks of flats on either side and the railway bridge and current waste site. The current woodland belt would be obscured but the National Park would still be visible on the skyline. The view is not sensitive being an urban view and whilst the impact is significant, it is not considered to be harmful.
- 9.17. From the upper levels of Moulsecomb Way at Hodshrove Road, the development would be mostly obscured by existing vegetation along Moulsecomb Way except for the upper floors glimpsed in parts against the backdrop of the lower slopes of Wild Park. The intrusion would be minor and not significant. From the entrance to Wild Park looking south, the development would be mostly obscured by the railway bridge and the rising slope of Moulsecomb Way and the tree belt in the foreground. The design and scale of the proposal was modified to take account of this view as part of an iterative process to avoid the coalescence of the silhouette of the building

with the bridge and locating the height away from it. The prominent corner piece of the building would be visible but steps up away from the bridge such that its impact would be moderate and would not be harmful.

- 9.18. The remaining sensitive view is from a footpath above Moulsecoomb which rises up to the east. The development can be seen from a limited selection of viewpoints between gaps in the hedgerow above a row of houses. The railway bridge can be glimpsed and the upper levels of the development would be visible against the lowest slopes of Wild Park. The view is not pristine given the stark prominence of the Fairways Industrial Estate and it is considered that the impact would be moderate and not harmful.

Landscaping:

- 9.19. The two most important trees on the site which have the biggest positive impact on the visual amenity of the site and the streetscene are subject of a Tree Preservation Order and are located in front of the church building. They are a Copper beech and a Norway maple. The site also has a large unmanaged privet hedge at the front of the site around the cottages and the waste parcel. At the rear of the site is a large belt of trees up against the railway viaduct which has a significant visual presence on the streetscene and wider townscape. Most of this tree belt is proposed to be retained with some exceptions.
- 9.20. The Arboriculturalist has objected to the loss of the trees and hedgerow and considers that their loss would have a significant adverse impact on the arboricultural character and appearance of the local landscape. The Arboriculturalist considers that the large sycamore should have a higher value of Category B not C as it currently screens the "unsightly" railway bridge.
- 9.21. In the long views from Wild Park, the sycamore, which has self-seeded hard up against the railway bridge, is just visible above the parapet. It does not visually form part of the main belt of trees to the east which are much taller and more significant. The applicants have investigated the feasibility of retaining the sycamore tree whilst enabling emergency access to the site to be provided but it would not be possible due to the extent of the root protection zone, the retaining wall that would be required and the emergency access width required. In the visual context of the bridge and the large belt of trees on the west side of Lewes Road and the large tree belt to the east, the significance of the sycamore tree in the view is low and its loss would not be substantially visually harmful. Were it possible to retain the sycamore, it would be obscured by the development proposal.
- 9.22. The Yew tree, being an evergreen, has a more significant visual impact than the sycamore in short to medium range views seen from the Lewes Road (south). It is shorter and hence not seen from the north above the parapet and is currently only glimpsed from in front of the waste site on Moulsecoomb Way but set against the background of Wild Park its significance is quite limited. The tree is very lopsided due to cutting back works in the past and

the Arboriculturalist has acknowledged the difficulty of retaining this tree due to the change in levels.

- 9.23. The Elm tree on the corner of the site is not a substantial specimen (12m) and is misshapen due to crude works to it in the past probably to prevent overhanging into the house garden. It has been agreed to be Category C. The applicants have proposed to replace it with a disease resistant elm tree.
- 9.24. As part of the landscape proposals, there would be a substantial new green frontage with tree planting on the prominent corner of the site at Lewes Road/Moulsecoomb Way. The Moulsecoomb Way would also feature new tree planting where it has been negotiated that the building line would be set back to enable tree planting and assurances have been received that this would not be compromised by Southern Water requirements underground. The proposed inner courtyards would also be landscaped. The Arboriculturalist's comments have not referred to the proposed new tree planting to enhance the landscaping on the site. It is considered that, notwithstanding the Arboriculturalist's concerns, the proposed planting scheme would outweigh the harm caused by the loss of the three trees referred to and the privet hedgerow and that the impact on the streetscene and townscape would on balance be beneficial.

Impact on Amenity:

- 9.25. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.26. The applicants submitted a daylight/sunlight report with the application which has been peer reviewed by the Building Research Establishment (BRE). A further supplementary report was provided at the advice of the BRE to take account of the tree belt along the North West boundary of the site in accordance with BRE guidance. The nearest adjoining dwellings would be in Broadfields, which is a 2 storey short terraced residential development of purpose built flats and one bungalow opposite the site on Moulsecoomb Way. There would be a loss of light outside BRE guidance to 4 windows in the flats facing the site which appear to serve kitchens and one window in the bungalow which appears to serve a bedroom. (Lounges and bedrooms to Broadfields dwellings are located at the rear facing south.) One window to the communal lounge at 7-15 Broadfields would be marginally outside the guidelines but daylight to a larger window would meet the guidance. On balance the BRE state that any daylight impacts would be minor adverse. Loss of sunlight is not an issue for Broadfields as the existing windows facing the development face north.
- 9.27. The proposed windows to the new student accommodation would meet the BRE guidance in 134 out of 137 cases at first and second floors without taking account of the tree belt.

- 9.28. The results would improve further on the upper floors. Sunlight provision to the student rooms on the lower 2 floors is less compliant with the BRE guidance with less than half of the rooms meeting the guidance. The overall compliance would rise if all of the rooms were analysed on the upper floors. Following the revised calculations to take account of the tree belt, the results for the daylighting to new student rooms shows a very marginal reduction in rooms on the lower 2 floors being compliant with the BRE guidance. In summer 129 rooms and not 134 out of 137 would comply. The winter figure rounds up to 98% compliance for the lower 2 floors which represents a reasonable compliance rate for a scheme of this nature as conformed by the BRE.
- 9.29. Nevertheless, the applicant was asked to enlarge the surface area of windows where possible in order to elevate the daylight levels to meet the guidance without the need to re-arrange internal layouts. This has been carried out and revised elevations and projected daylight figures have been submitted to demonstrate that more of the proposed student rooms on the rear elevations would meet the BRE guidance. The windows to be enlarged are on the rear elevations and will be repeated on all floors to the relevant column for symmetry. As a result only 3 rooms out of 132 would not meet the guidance but are marginally below the 1.5 Average Daylight Figure target.
- 9.30. In respect of hours of sunlight to existing or new amenity space within the site, the area fronting Moulsecoomb Way would comfortably exceed the BRE guidance since the whole area (99%) would have at least 2 hours of sun on March 21st. The two amenity spaces created at the rear would be less compliant and neither spaces would meet the guidance. However, these spaces would comply with the BRE guidance for June 21st albeit the student occupiers are less likely to be in residence.
- 9.31. In respect of sunlight to the amenity space, it has been calculated that in mid-May, at least 50% of the rear spaces would achieve 2 hours of sunlight and by June 21st this would rise to 4 hours of sunlight.
- 9.32. The proposed development would provide considerable benefits to the amenity of the area and local residents by the relocation of the current waste facility. At present the waste operation involves very noisy and dusty activities which include 100 vehicle movements a day of mainly large lorries arriving to deposit waste or redistributing it using 2 access or egress points. The building operates with the doors open so additional noise from unloading and sorting of waste with smaller vehicles is fairly constant.
- 9.33. The proposed B1 employment use would (by definition of B1 use class) would be capable of operation opposite the existing residents without causing harm due to noise, dust, fumes etc. The limited parking spaces would limit the number of commuting vehicle movements at the site for what is a modest amount of employment floorspace. Whilst concerns have been raised about the potential noise from student accommodation, purpose built student accommodation would be managed by on site staff under a management

plan with sanctions for occupants who breach the terms of their contracts. In comparison to student houses in multiple occupations which have no on site management if any at all, the likelihood of noise and disturbance from well managed PBSA developments is significantly reduced. The applicant has a track record of operating well managed student developments on the Lewes Road corridor.

Sustainable Transport:

- 9.34. The current uses on the site comprising 2 dwellings, a waste recycling and transfer station and a church generate considerable transport movements in particular the waste site which has 100 vehicle movements a day associated with it. The existing church and church hall does not have any formal marked out car park but could accommodate 5 or 6 cars at the front and perhaps another 6 spaces at the rear adjacent to the hall. The curtilage of the waste site is used to store lorries and skips and the dwellings have no parking. The proposed development would provide 11 parking spaces including 2 with electric vehicle chargers. 7 bays would be for disabled user parking. These 7 bays would be split as 4 bays for students; 2 (out of 5) for the employment space and 1 (out of 2) for the community space. The applicants have committed to adapting more spaces for wheelchair users if required.
- 9.35. SPD 14 (Parking standards) set out parking standards as a maximum. In this location along a transport corridor, in respect of the B1a) office the standard would permit 1 space per 100 sq m and 1 per 200 sq m for the B1 c) use. Within this standard, the electric vehicle parking bays and electric vehicle enabled are met and exceeded. The number of bays for disabled users as a proportion of the total exceeds the standards. In respect of the community/church use, a maximum of 1 space per 30 sq. m. is permitted with 3 or 6% of the total for disabled user parking.
- 9.36. In respect of the PBSA element, the applicants are not proposing any general parking for students. This is consistent with most development schemes of this nature built in the city. The parking standards require 1 space per wheelchair accessible unit plus visitor parking. The plans indicate 20 wheelchair units proposed but the reality is that many of these would not be occupied by wheelchair users. Students requiring fully accessible rooms and facilities usually prefer to be on an academic campus for convenience and an all-round support package provided by the education establishment but the scheme provides bays as required. The proportion of wheelchair user parking bays provided in this scheme compares favourably with other recent large scale PBSA schemes built or in construction.
- 9.37. The site is located in an area which is not covered by a Controlled Parking Zone except on days when the nearby football stadium at Falmer is in use. The applicants have committed to ensuring that students would not be permitted to bring a car to the site nor keep a car parked in the vicinity. Whilst imposing a condition to this effect is considered to be unenforceable and would not meet the tests for use of conditions, there would be a S106 obligation for a student management plan and the applicants have committed to enforcing a requirement not to bring cars to this location. The applicants

would initiate travel plan measures as well and would encourage local residents to liaise with the on site management if parking issues arise. 300 secure and covered cycle parking spaces are proposed on site which would exceed SPD14 requirements with details to be secured by condition. The applicants have carried out a further on-street parking survey in accordance with the Highway Authority's preferred methodology and extending beyond the first survey to 500m away from the site as requested. It took place (as requested) after the schools returned from the summer holidays in September. This survey has demonstrated that parking survey stress was at no more than 50% at any one time and provides evidence that there is currently on street capacity for parking.

- 9.38. In respect of some of the concerns of the Highway Authority, it is considered that some of these concerns could be resolved by conditions as have been used with previous similar developments. A condition requiring further details of pedestrian routes into and across the site is proposed to further clarify the assessment and drawings submitted. A delivery and service management plan can be added as a condition but the plans do indicate that off-site deliveries could be carried out in respect of the development. Other conditions related to landscaping and boundary treatments will also help to secure an improved pedestrian and cyclist environment. The applicant is proposing on-street loading or servicing on street for the employment occupiers, details of which can be conditioned and or agreed under the S278 agreement. The future servicing and loading for the site will be capable of being improved considerably by removing existing site entrances to the waste site close to the junction with the Lewes Road. At present waste vehicles have to reverse into the site and cannot turn around.
- 9.39. The applicant has provided further assessment work which has not been requested previously on similar schemes including a survey of existing cycle and pedestrian facilities in the neighbourhood of the site. Other survey work is stated to be in accordance with similar surveys on similar approved developments using the same parameters, for example trip rates cover peak times 0600 - 2200. Whilst students will use public transport after 22.00 hours, it is not considered that this would result in capacity issues. It should be noted that Brighton and Hove Bus Company have written to say that the network has sufficient capacity to support this development.
- 9.40. Other assessment work requested is not required under planning legislation nor policy such as Road Safety Audits (RSA) requested for the emergency only access proposed from Lewes Road. The applicant has nevertheless carried put a Stage 1 RSA which would be required under the S278 agreement. The Planning Authority has received legal advice that a RSA is also not required on private land such as for proposed parking and servicing areas on site. Similarly, an Equalities Impact Assessment (EIA) is not a planning requirement for consideration of an individual development scheme.
- 9.41. It is considered therefore that on balance, in respect of the transport impacts the proposals would provide benefits which support the scheme. Primarily the removal of vehicular access points close to the Lewes Road and

Moulseccomb Way junction associated with a waste use which generates 100 HGV movements a day where sightlines are poor due to the bend in the road and the overgrown hedgerow. At present HGV's wait in the road but the proposals would enable more formalised servicing and loading bays to be planned on the highway and on site which would improve the pedestrian experience. Whilst there are concerns about overspill parking, appropriate measures are proposed to actively discourage student to have cars, together with sanctions as well as travel plan measures and incentives to use public transport and cycling including a large volume of cycle parking. The site is on a well-served public transport route with direct services to the universities, local amenities and the city centre.

Sustainability:

- 9.42. The proposed development will achieve the minimum requirements set out in policy CP8 of Brighton and Hove City Plan Part 1 for a Major new build scheme thus it would meet BREEAM Excellent and would achieve a 19% carbon reduction improvement against Part L of the Building Regulations and the water efficiency 'optional' standard. In addition, the scheme proposes areas of green roof and photovoltaics and would exceed the requirements for provision of electric vehicle charging (EVC) points and the capability for future expansion. The Sustainability Adviser is satisfied that there is capacity for future connection to potential energy schemes. The proposals would also meet other requirements of the policy such as reducing the heat island effect, enhancing the ecology on site. The south facing elevations would include solar shading and both the residential and employment elements of the scheme would pass the thermal comfort standards required for the BREEAM rating to avoid overheating. The applicant has agreed to a condition to carry out a feasibility study into the practicality of providing a rainwater harvesting scheme, details of a chalk grassland roof and motion sensor lighting to the communal student accommodation areas. Subject to conditions, it is considered that the proposal would meet sustainability policy requirements.

Conclusion

- 9.43. The principle of the proposal to provide modern employment floorspace together with a large purpose built student accommodation (PBSA) block and retained community use on an identified employment site under CP3 of the adopted City Plan Part 1 has been given detailed consideration. The introduction of non-employment uses on a safeguarded employment site would not normally be considered acceptable. The applicants have been required to make a detailed justification to warrant what would be a departure from the Development Plan.
- 9.44. The development site is not wholly covered by policy CP3 but relates to the land currently operated by KSD as a waste facility which is approximately half of the site. The employment site is also designated in the Waste and Minerals Local Plan as a strategic facility for the city and East Sussex. The safeguarded site is however physically disconnected from the remainder of the more extensive Fairways Industrial Estate allocated under policy CP3. Prior to the current use, the site was in use as a skip hire business. The proposal would, therefore, provide an opportunity to redevelop the

safeguarded site together with the 2 cottages and the church building to provide a development that would make more efficient and effective use of the site than is currently made by the existing 2/3 storey low rise buildings. The potential density of employment for the proposed use would also be greater than current or previous uses. These material considerations are recognised by the planning policy team.

- 9.45. It would be unlikely that the existing waste facility site could be viably redeveloped by itself whilst retaining at least the equivalent employment floorspace on site. This view takes account of the facts that the site is currently owned and operated by an existing very busy waste business. The applicants have amended the proposals to increase the proposed replacement B1 floorspace to ensure that there would be no net loss of employment floorspace on site following intervention by officers. Account has also been taken of the proposed nature of B1 floorspace which following negotiations would have specifications designed to be capable of flexible occupation by B1 c) light industrial/high tech firms on the ground floor as well as B1 a) office use.
- 9.46. A key consideration has been that the proposal would result in the replacement of a waste operation by a more neighbourly employment use. According to neighbours who have made representations, the current use is noisy, due to the operation itself, and the frequent associated large lorry movements (100 per day) as well as creating dust and other health impacts. The noise in part due to the building operating with the doors open and vehicle movements were evident from site visits. It is considered that the operation has outgrown the site and its relocation would bring environmental benefits to the immediate vicinity and along the lorry routes.
- 9.47. The applicants have demonstrated that the relocation of the waste operation to a more suitable identified site (in Newhaven) could be considered to overcome waste local plan policy. Whilst the identified alternative site has been in waste use for many years, the applicants have demonstrated that the site is capable of achieving considerably more capacity than the identified assumed capacity in the Waste and Minerals Local Plan and the current site combined. There is also no capacity limit set on the new site by planning condition.
- 9.48. The site is located on the Lewes Road strategic corridor under policy DA3 which is identified as being suitable in principal for Purpose Built Student Accommodation under policy CP21 being well served by public transport and cycle lanes with direct links to the two main university campuses, other higher education establishments, Moulsecoomb railway station and other transport connections.
- 9.49. The proposed design of the building has been through a number of iterations including consideration by the Design Panel and is considered to be of a high quality featuring good quality materials, articulation of elevations, legibility and variety with a strong focal point at the main road junction. The scale of the building is appropriate for this site location and has been reduced from 9

storeys at pre application stage originally to 7 storey maximum. Care has been taken to articulate the upper floors to minimise its impact seen from strategic views.

- 9.50. The impacts on the amenity of neighbouring properties due to loss of daylight are limited to 4 windows of a minor adverse degree. Following negotiations, almost 100% of new accommodation on the ground and first floors would meet the BRE daylight guidance. The proposals would meet the minimum requirements for sustainability of BREEAM Excellent and carbon and water reduction.
- 9.51. The two issues where concerns have been raised by consultees relate to transport and trees. In respect of trees, whilst it is regrettable that three existing prominent trees cannot be retained, they are of limited quality being compromised by existing buildings and structures and the proposed replacements would provide an overall enhancement to the landscaping on site. Whilst there are also concerns expressed by the Highway Authority, some of these concerns relate to the detailed assessment work carried out such as the predictions of trip rates. Much of the assessment work has followed that which has been accepted on other recently approved developments. A number of the transport issues could be resolved by the imposition of planning conditions which has been agreed on other similar development schemes and it is not considered to be essential to resolve the level of detail at this stage. The highway authority has not stated that in principle the development could not be approved but seeks assurances and more detail about potential transport impacts.
- 9.52. Given the material considerations outlined above which weigh in favour of the development proposals, it is considered that on balance whilst the proposals would be contrary to policy CP3 of the Development Plan, the planning policy team has no objections and given that other material considerations point to support for the development proposals, a recommendation of Minded to Grant subject is made. If agreed by the Planning Committee, it will be necessary for the application to be referred to the Secretary of State as it would be contrary to the Development Plan and is of a scale that meets the criteria for referral.

10. EQUALITIES

No additional equalities issues identified

11. DEVELOPER CONTRIBUTION

- 11.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver a Demolition Environmental Management Plan (DEMP) contrary to Policies SU9, SU10, SU12 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.

2. The proposed development fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies TR7, SU9, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
3. The proposed development fails to deliver a Phasing Plan to ensure the timely implementation of measures to mitigate the impact of the development contrary to policies TR7, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to deliver a Student Accommodation Management Plan to mitigate potential impacts of the development contrary to policies TR7, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
5. The proposed development fails to provide appropriate works to the public highway to mitigate the transport impacts of the development contrary to policies TR4 and TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
6. The proposed development fails to provide a marketing strategy to prioritise marketing for B1 c) purposes for 6 months contrary to policy CP3 of Brighton and Hove City Plan Part One.
7. The proposed development fails to provide a Local Employment Scheme Contribution of £36,700 thus contrary to Policy CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide an Employment and Training Strategy thus contrary to Policy CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide an Open Space and Recreation Contribution of £448,919 thus contrary to policy CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a Public Art Contribution of £41,000 thus contrary to Policies CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
11. The proposed development fails to provide a Sustainable Transport Contribution thus contrary to Policies CP9 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

12. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

