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| <b><u>No:</u></b>                    | <b>BH2019/01820</b>   | <b><u>Ward:</u></b>        | <b>Hanover And Elm Grove Ward</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                                   |
| <b><u>Address:</u></b>               | <b>19-24 Melbourne Street Brighton BN2 3LH</b>  |                            |                                   |
| <b><u>Proposal:</u></b>              | <b>Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m2 of co-working business floor space (B1) including gym/community space (80m2) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage).</b> |                            |                                   |
| <b><u>Officer:</u></b>               | <b>Mick Anson/Henrietta Ashun, tel: 292354</b>  | <b><u>Valid Date:</u></b>  | <b>21.06.2019</b>                 |
| <b><u>Con Area:</u></b>              |   | <b><u>Expiry Date:</u></b> | <b>20.09.2019</b>                 |
| <b><u>Listed Building Grade:</u></b> |   | <b><u>EOT:</u></b>         | <b>31.07.2020</b>                 |
| <b><u>Agent:</u></b>                 | <b>N/A</b>  |                            |                                   |
| <b><u>Applicant:</u></b>             | <b>Brundell Property 86-90 Paul Street London</b>   |                            |                                   |

## 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 September 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the final section of this report:

### S106 Heads of Terms

#### **Affordable Housing:**

- 1.2. A financial contribution of £120,780 towards the provision of affordable housing off site in perpetuity.

#### **Artistic Component:**

- 1.3. An artistic influence within the public realm within or in the immediate vicinity of the site to a value of £29,000

#### **Open Space and recreation and sports:**

- 1.4. A total financial contribution of £90,000 towards the enhancement of open space and sports provision in the vicinity of the site, to include:
- Woodvale Cemetery – paths, wayfinding, tree sculpture, planting
  - Saunders Park – lighting, wayfinding, seating, accessibility improvements
  - Wild Park – ballcourt enhancements, accessibility improvements
  - Blakers Park - accessibility improvements
  - Whitehawk Nature reserve, accessibility improvements, planting, wayfinding, tree sculpture
  - The Avenue Bevendean, tree planting, accessibility improvements
  - Improvements to Moulescoombe sport and leisure provision in or close by to Moulsecoomb Community Leisure Centre

1.5. **Employment:**

- A financial contribution of £8,300 towards the Local Employment Scheme
- Submission of an Employment & Training Strategy
- Use of 20% local labour during the construction phase

**Sustainable Transport & Highways:**

- 1.6. A financial contribution of £50,300 to enhance and promote use of sustainable transport modes in the vicinity of the site including in order of priority:
- Pedestrian footway improvements on but not limited to Melbourne Street and Lewes Road;
  - Bus stop improvements on Lewes Road including RTPI; and
  - Benches on Lewes Road to improve accessibility.

- 1.7. **Car club:** The provision of free car club membership for all occupiers of the co-living units. for a period of 12 months.

**Arboriculture Contribution:**

- 1.8. A financial contribution of £64,238 towards trees in the immediate vicinity:
- Planting of 3 x semi-mature tree replacements (including 1 x Elm)
  - 20-year maintenance programme for existing trees identified in the submitted Tree Protection Plan

**Community Use Agreement:**

- 1.9. The agreement shall include details of the room identified for community use in the basement:
- The facilities available
  - Time and days of the week of availability to the community
  - Details of the terms and conditions of hire including pricing
  - Details of the groups and clubs (educational and non-educational) eligible to hire.
  - Details of any exclusions
  - Management responsibilities and mechanism for review.

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 |
|------------------|--------------|---------|---------------|
| Proposed Drawing | 19003-P-001  |         | 18 June 2019  |
| Proposed Drawing | 19003-P-099  | Rev F   | 2 June 2020   |
| Proposed Drawing | 19003-P-101  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-102  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-103  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-104  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-105  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-106  | Rev D   | 27 March 2020 |
| Proposed Drawing | 19003-P-120  | Rev C   | 27 April 2020 |
| Proposed Drawing | 19003-P-130  |         | 18 June 2019  |
| Proposed Drawing | 19003-P-140  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-200  | Rev A   | 27 March 2020 |
| Proposed Drawing | 19003-P-201  |         | 18 June 2019  |
| Proposed Drawing | 19003-P-300  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-301  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-302  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-303  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-500  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-600  | Rev B   | 27 March 2020 |
| Proposed Drawing | 19003-P-602  |         | 18 June 2019  |
| Location Plan    | 19003-EX-001 |         | 18 June 2019  |
| Proposed Drawing | 19003-P-110  |         | 27 April 2020 |
| Other            | 19003-P-141  |         |               |
| Proposed Drawing | 19003-P-100  | Rev F   | 2 June 2020   |

2. The Development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
  
4. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) The phases of the Proposed Development including demolition phase and the forecasted completion date(s);
  - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
  - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will

be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);

- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site;
- (v) Details of hours of construction including all associated vehicular movements;
- (vi) Details of the construction compound;
- (vii) A plan showing construction traffic routes.

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

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

- 5. Prior to the commencement of the development hereby approved (excluding demolition) details of the proposed means of foul and surface water sewerage disposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

- 6. Prior to the commencement of the development hereby approved including any demolition, the recommendations contained in section 9 of the Contaminated Land Risk Assessment by Environmental Assessment Services Ltd (February 2016) Ref: ABIR/MelbourneSt/PCRA shall be fully implemented. Confirmation of the measures taken shall be submitted in writing for approval to the Local Planning Authority prior to first occupation of the development comprising a Verification Report.

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

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

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

- 8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees to the north of the rear site boundary, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local

Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

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

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

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

**Reason:** To protect habitats and species identified in the ecological surveys from adverse impacts during construction in accordance with Policy CP10 of the City Plan Part One.

10. The development hereby permitted shall not be first occupied until a Lighting Design Strategy for Biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the Strategy, and these shall be maintained thereafter in accordance with the Strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

**Reason:** To ensure light sensitive protected species are not disturbed to comply with Policy CP10 of the City Plan Part One.

11. No development (excluding demolition) shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site for biodiversity 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 measures shall be implemented in accordance with the approved details and all features shall be retained and maintained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored to comply with Policy CP10 of the City Plan Part One.

12. No works to, or demolition of, Building 3 as identified in the Preliminary Ecological Appraisal Report, REC Ltd, April 2019 shall take place until evidence of either of the following has been submitted to and approved in writing by the Local Planning Authority:

- a. a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
- b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

**Reason:** To prevent an offence being committed under The Conservation of Habitats and Species Regulations 2010 as amended and to ensure protection of habitats to comply with Policy CP10 of the Brighton & Hove City Plan Part One.

13. Prior to the commencement of development (excluding demolition) a Sustainable Drainage Plan including detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Outline Drainage Strategy, dated May 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage Plan shall include the following:

- (i) Details of the location of the existing drainage infrastructure.
- (ii) Details and location of the final drainage infrastructure as proposed in the Outline Drainage Strategy.
- (iii) Suitable assessment and management of flood risk from groundwater and surface water runoff given the proposed basement.

- (iv) Appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations
- (v) The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.
- (vi) A management and maintenance plan for the final drainage design for the proposed development, which includes the orifice plates.

The approved Sustainable Drainage Plan shall be implemented and maintained in accordance with the approved detailed design.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy SU3 of the Brighton and Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection' and to comply with policies SU3 of the Brighton & Hove Local Plan and Policy CP11 of the Brighton & Hove City Plan Part One.

15. No development (including demolition) shall take place until a survey report and a method statement has been submitted to and approved in writing by the Local Planning Authority, setting out how the existing flint boundary wall on the northern boundary of the site is to be protected, maintained, repaired and stabilised during and after demolition and construction works. The report shall include details of any temporary support and structural strengthening or underpinning works required. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE11 of the Brighton & Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One.

16. Prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit and shall each be limited to a maximum of 25 visitor permits per annum. The approved scheme shall be implemented before occupation.

**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

17. 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.
18. The development hereby permitted shall not be occupied until details have been submitted in writing to the Local Planning Authority for approval of identified designated outdoor smoking areas and associated external cigarette bins at entrances and exits of the building hereby approved.  
**Reason:** In the interests of residential amenity and the visual amenity of the area and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and policy CP13 of the Brighton and Hove City Plan Part One.
19. Within three months of the date of first occupation a Travel Plan for the residential and commercial elements of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan and associated measures shall thereafter be fully implemented in accordance with the approved details.  
**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
20. Prior to the commencement (excluding demolition) of the development hereby permitted, a full scheme of highway works for improvements to Melbourne Street shall be submitted to the Local Planning Authority for written approval, in consultation with the Local Highway Authority. The scheme shall include:
- (i) Improvements to the northern footway and removal of redundant crossovers in the vicinity of the development.
  - (ii) Provision of a designated on-street loading bay in the immediate vicinity of the development.
- The development shall not be occupied until the approved works have been fully implemented as certified in writing as complete by the Local Highway Authority.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and policies SA6, CP7, CP9, CP12 and CP13 of Brighton and Hove City Plan Part One.
21. 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 CP12 and CP15 of the Brighton & Hove City Plan Part One.

22. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the Air Source Heat Pumps (ASHP) have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the technology, distribution systems and location(s) of water storage. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to sustainability enhancement on the site and in accordance with policy CP8 of the Brighton & Hove City Plan Part One.

23. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the of the green roof has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in the interests of sustainability, in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One.

24. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the representative background noise level. Rating Level and existing representative background noise levels to be determined as per the guidance provided in BS 4142:2014. Sound insulation of plant and machinery should be included as necessary. In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

25. The development hereby permitted shall not be first occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the recommendations contained in the acoustic report REC reference: AC107119-1R1 dated June 2019 have been implemented within the scheme. Should reliance on closed windows and building ventilation systems (BVS) be required in order to meet the required acoustic guide values, details of the BVS shall be first submitted to the Local Planning Authority for written approval prior to installation. Details of any appropriate alternative ventilation

shall be evidenced to demonstrate that the façade insulation is not compromised and that internal noise levels are not increased. If applicable, any room should have adequate ventilation e.g. trickle ventilators, (that should be open during any assessment). Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L of Building Regulations and the removal of pollutants such as moisture and CO2 under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and CISSE TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

**Reason:** To safeguard the amenities of the occupiers on the site, and the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

26. The floors/walls/stairs between the commercial/communal areas and the residential uses shall be designed to achieve a sound insulation value of at least 5dB better than Approved Document E performance standard.

**Reason:** To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. The development hereby permitted shall not be first occupied until a scheme for the fitting of odour control equipment and sound insulation to plant within the development has been submitted to and approved in writing by the Local Planning Authority. Odour control measures can increase fan noise and this should be taken into account during the design phase. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

28. 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.

29. The development hereby approved shall not be first occupied until details of the photovoltaic array shown on the approved roof plan (drawing no. 19003-P-106) has been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation and thereafter retained.

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

30. None of the co-living residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
31. None of the co-living residential units hereby approved shall be occupied until each co-living unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
32. Within 6 months of first occupation of the co-working and community/gym element of the development hereby permitted a BREEAM Building Research Establishment issued a Post Construction Review Certificate confirming that the non-residential parts of the development built have achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
33. The wheelchair accessible dwellings hereby permitted as detailed on approved drawings received on 30.03.2020 shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the Building Control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the Building Control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
34. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first

occupation of the development, whichever is the sooner. The scheme shall maintained in accordance with the agreed details and 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, position, design, dimensions and materials;
- d. details of food growing areas for residents
- e. details of a landscape maintenance programme

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

36. No tree shown to be retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

37. Notwithstanding the plans hereby submitted, no development above ground floor slab level shall take place until details of secure and inclusive cycle parking facilities for the occupants of, and visitors to, the development have been submitted to the Local Planning Authority for written approval. This shall include details of a Cycle Parking Management Plan. The Plan shall outline how staff, residents and visitors of the approved development are permitted to wheel bicycles through the development between the highway and basement cycle store, and to use the lifts between the ground and basement floors for these purposes. 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.

38. A minimum of one bee brick shall be incorporated within the south or south-west facing external walls of the development close to green amenity space before first occupation and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

39. No development above ground floor slab level shall take place until details of a minimum of 42 swift bricks/boxes to be incorporated within the external walls of the development have been submitted to the Local Planning Authority for written approval. They shall be placed at least 5 metres off the ground and away from windows where possible. The agreed bricks/boxes shall be implemented before first occupation and retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

40. No development above ground floor slab level shall take place until details of minimum of 3 bat boxes and 3 sparrow boxes to be incorporated within the external walls of the development have been submitted to the Local Planning Authority for written approval. The agreed boxes shall be implemented before first occupation of the development and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

41. The development hereby permitted shall not be first occupied until details of any external lighting proposed has first been submitted to and approved in writing by the Local Planning Authority. This shall include certification on completion, from a competent person, to demonstrate that the lighting installation complies with the with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking Environmental Lighting Impact Assessments.

External lighting for the development shall be designed and positioned to:

- Be the minimum required to perform the relevant lighting task.
- Minimise light spillage and pollution including impact to wildlife habitats.
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
- Avoid dazzle or distraction to drivers on nearby highways.
- Have reference to both horizontal and vertical illuminance to account for the varied sensitive receptors on and around the site.

The lighting shall be implemented as approved and retained.

**Reason:** To protect the amenity of neighbouring occupiers and users of the surrounding area and in the interest of biodiversity, in accordance with policies QD25 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton and Hove City Plan Part One.

42. 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 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14/HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

43. The non-residential part of the premises hereby permitted as shown on the Proposed Ground Floor Plan 19003-P-100 Revision F shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policy CP3 and DA3 of Brighton & Hove City Plan Part One.

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

- i) Details of the numbers and nature of staff to be on site including 24 hour security arrangements.
- ii) Location and permitted use by residents, business users and community users of outside amenity areas including building entrances and access, hours of use and management of outside amenity areas.
- iii) Details of community liaison arrangements including contacts and complaints procedures.
- iv) Details of arrangements for arrivals and departures of residents.
- v) Details of management and access to indoor communal facilities including to community, gym and café facilities.

The agreed Building Management Plan shall be implemented.

**Reason:** To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

45. The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended) nor as sui generis class student accommodation by occupiers who are in any form of full time education or study.

**Reason:** In order that the development complies with policy CP3.4 of the Brighton and Hove City Plan Part One which allocates the site for mixed employment and residential use and contributes towards the delivery of homes and employment space in the city.

46. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-10.00pm Monday-Saturday and 8am-10pm on Sundays.

**Reason:** To protect the amenity of occupiers of the development and neighbours from undue noise or disturbance, to comply with policy QD27 of the Brighton and Hove Local Plan.

47. No roof plant other than as shown on approved plans shall be erected without further written approval by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan CP12 and CP15 of the Brighton & Hove City Plan Part One.

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 that the highway works under condition 20 above will require them to enter into a s278 agreement with the council as Highway Authority and to complete associated technical approval steps, which may include public consultation (amongst other things). They should contact [s278@brighton-hove.gov.uk](mailto:s278@brighton-hove.gov.uk) at their earliest convenience. It is anticipated that the loading bay will need to provide for approximately 2 LGVs and 1 car to occupy it together at once, including associated access space around each vehicle. Providing the necessary footway width may require the dedication of additional adopted footway if widening into the carriageway does not prove feasible.
3. The applicant is advised that the scheme to amend permit entitlements required by condition 16 above should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers and occupiers of the restrictions regarding issuing of parking permits.
4. 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.
5. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
6. 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](http://www.southernwater.co.uk)

7. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
9. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site is 0.69 ha. in area and comprises a series of single storey repair workshops and garages and a two storey workshop on the north side of Melbourne Street, which back onto the Woodvale Cemetery. The cemetery is Grade II listed on the Register of Parks and Gardens of Special Historic Interest in England. The units comprise 2 car repair businesses, a tyre sales and repair business with the 2 storey unit being a joinery workshop. Above the easternmost car repair business is an upper floor in the roof space where a martial arts club, the Nam Yang Community Association, operate. West of the site fronting Lewes Road and returning onto Melbourne Street is a two storey retail unit (123c Lewes Road). Opposite the site is a part 7, part 4 storey contemporary block of 31 flats known as Viaduct Lofts. East of the site is 16-18 Melbourne Street, which is a single storey workshop apparently vacant and Enterprise Point, a 6 storey industrial building which is surrounded by large car parking area. The latter two sites were subject of an application under ref: BH2018/02751 as set out in the 'Relevant History' section below.
- 2.2. The existing site has no car parking on it whilst Melbourne Street is characterised by being a narrow one way street in a horse shoe shape with an entrance and exit onto Lewes Road. The road is in a Controlled Parking Zone with a mix of double yellow lines, resident permit and short stay pay and display parking.



- 2.3. The character of area is quite mixed having historically been an area of generally small scale housing and employment uses as well as St Martin's Primary School built around a narrow street. The exception is the adjacent large scale office premises which were built in the mid-20<sup>th</sup> century.
- 2.4. Following revisions since initial submission of the application, the proposed development comprises a part 4 and 6 storey building plus a basement floor. The ground floor would comprise 587 sq.m. of B1 co-working space with an integral café and management office, plant equipment and commercial refuse storage would be on the ground floor also. Residents' and visitor cycle storage (72 spaces in the basement and 4 at ground floor) would be in the basement together with resident lockers, the gym/community space which would be occupied by the martial arts club. The other spaces in the basement would provide a dual use co-working presentation and resident cinema space, a meeting room and laundry room.
- 2.5. Above ground floor the residential element of the scheme has undergone two significant amendments during the course of the application. Initially the proposals included self-contained flats which would have operated more as small purpose built homes in multiple occupation. The scheme now comprises 83 single co-living rooms with shared large kitchen/dining areas above the ground floor employment space. The western end of the building has now been reduced to 4 storeys and a roof garden is proposed at third floor roof level. The 5<sup>th</sup> floor roof at the eastern end would have a green roof including photovoltaics. The site has a depth of 15-15.5m and would be sited off the back edge of the Melbourne Street footway.
- 2.6. The appearance of the building would be contemporary but reflective of a Victorian style. The ground and first floor elevations would feature a double height brick arched glazing with large rectangular double height openings on the floors above. This is a design nod to the railway viaduct that used to occupy this location when the railway served the Freshfield Industrial Estate. The 5<sup>th</sup> floor has a notional set back and would be faced in bronze coloured cladding to give it a lighter appearance. The central main feature now comprises an open stairwell required as a means of escape which would be fully glazed through the floors with vertical fins to the façade.

### 3. RELEVANT HISTORY

#### Steel House, 21-24 Melbourne Street:

- 3.1. **BH1999/02343/FP** - Regularisation of use. No.21 B2 (general industrial) use on ground floor and first floor. No.22 A1 (general retail) use. No.23, No.24 B2 use - Approved 23 February 2000

#### Enterprise Point, Melbourne Street (Adjacent site):

- 3.2. **BH2018/02751** - Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space,

associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works (Amended plans). – Refused 25 April 2019.

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

#### 4. PRE-APPLICATION ADVICE

##### Pre-app Officer response 1 May 2018

- 4.1. Proposal for a 9 storey/part 5 storey development comprising circa 150 co-living residential units (sui generis) each with small kitchenette and co-living workspace. Shared kitchen/dining also proposed.
- Advised that site allocated under City Plan Part 1 Policy CP3 for employment led (residential and employment) mixed use development with a compliant housing mix (CP19) including affordable housing (CP20).
  - Advised that proposed employment space considerably less than existing.
  - Query over classification of co-living units whether class C3 or sui generis. Considered that self-contained rooms would be Class C3 dwellings.
  - Intention noted that is not to provide student accommodation.
  - Advised that proposed height is too high on a narrow street and heights should be influenced by predominant character and not the 7-storey block opposite. Considered to be an overdevelopment.
  - Need to assess views from Woodvale Crematorium and neighbouring conservation areas.
  - Concern about overbearing impact on neighbours resulting in loss of daylight and privacy. Tree assessment required to adjoining crematorium.

##### Pre-app Officer response 2 November 2018

- 4.2. *Proposal for 6 storeys to provide 11 self-contained residential units and 69 co-living rooms with co-working space.*
- Improvement to scheme but still considered high for a constrained site. More appropriate response in general design terms by reducing height onto street frontage to 4 storeys by setting back top floors.
  - The site is not clearly identified in a Tall Building corridor under SPG15 (Tall Buildings) and would need to be assessed against the character of the built form.
  - Whilst some class C3 units are proposed with an element of affordable, concerns remain in respect of policy CP3 that the number of residential units is still limited. The site should be maximising its potential for C3

housing subject to site constraints. The removal of kitchen facilities means that co-living rooms classified as sui generis.

- The housing mix of units is still weighted significantly in favour of single occupancy rather than the mix expected by policy CP20.
- Overall quantum of employment space is below existing and applicant needs to demonstrate that employment offer would be an improvement in line with the tests in policy CP3.
- Scheme reduced in height and whilst a dominating presence in the streetscene, would not result in significantly overbearing impact on residential properties opposite.
- Concern over loss of daylight and privacy to neighbouring residential occupiers will need careful consideration.

#### 4.3. Members Pre-app feedback August 2018

- Some interest in the general co-living / co-working concept but concern that it would conflict with planning policy for the specific site, especially in relation to the provision of affordable housing.
- Whilst the type of flexible office space to be provided was well received it was noted that the scheme was not 'employment led' and justification would be required for the approach.
- Noted that policy CP21 precludes purpose built student accommodation (PBSA) on sites allocated for housing.
- Members generally comfortable in regards to the principle of the proposed height / massing in this location (subject to demonstration that the amenity of neighbouring occupiers was not adversely impacted).
- A good standard of accommodation in respect of space and layout, light, outlook and privacy is expected for all of the units.
- The scheme would need to be well designed to prevent mutual overlooking between the proposal and the neighbouring property opposite.
- There was concern that large roof terraces, whilst providing an external amenity facility for future occupiers could result in the potential for harmful noise and disturbance.
- Some concern was raised over the potential for overspill car-parking into other areas of the city outside of controlled parking zones.

#### Design Review Panel Response - September 2018

#### 4.4. Proposal for 6 storeys to provide 11 self-contained residential units and 73 co-living rooms with 400 sq. m. co-working space.

- Density of proposal is unprecedented as 84 'dwellings' comprising 1500 habitable rooms per ha. represents a significant shift in the way people live and how land is used and is a challenge.
- At 6 storeys with setback upper floors, this proposal seems an appropriate scale to the street. Whilst the potential benefits of widening pavements are recognised, it is not essential to set the building back from the established building line.
- Proximity to northern boundary is a concern particularly for construction access and due to impacts on trees. Detailed study of trees and impacts should be undertaken.

- Impact on potential future development at Enterprise Point should be undertaken.
- Private studio apartments are very small putting pressure on communal facilities. Alternative scenarios should be accommodated.
- Roof terrace is particularly important given lack of amenity space elsewhere in the scheme and its use and access should be explained.
- Increased emphasis on cycle parking given absence of vehicle parking. Basement storage is challenging but provision of private storage in basement should be highly beneficial.
- Design challenges for individual units should be resolved and provision of private amenity space such as balconies could be explored.
- High standard of management would be required to be a successful scheme.
- Elevations show promise. Melbourne Street may be slightly over-complicated. Rear façade should have different architectural language and larger windows would be beneficial for daylighting.
- Proposal is a response to low quantity and high cost of accommodation. Would encourage a review of how rooms could be converted in future into larger apartments.
- At planning application stage a clear energy strategy should be produced.

## 5. REPRESENTATIONS

- 5.1. **Councillor Powell: Objection**– (comments attached) Received 24 July & 9 Sept 2019 on the following grounds
- Inappropriate height
  - Loss of natural light and privacy to Viaduct Lofts
  - Increased noise and traffic
  - Transient population
  - No green space
  - Accessibility
- 5.2. **Councillor Hill: Objection** – (comments attached) Received 14 Jan 2020 on the following grounds:
- Inappropriate Height of Development
  - Overshadowing
  - Restriction of view
  - Affordable housing for long-term accommodation is needed
  - Community space would provide benefits to local community
- 5.3. 3<sup>rd</sup> consultation March 2020 (received 11<sup>th</sup> April to 4<sup>th</sup> June)  
**49 (Forty-Nine)** further letters (last checked letter 11th June 2020) of objection has been received objecting to the proposed development for the following reasons:
- Inappropriate Height of Development
  - Impact on Conservation Area
  - Overdevelopment
  - Building line brought forward

- Loss of privacy
- Loss of daylight
- Overshadowing
- Loading bay outside windows causing noise and disturbance
- Detrimental to quality of life and safety
- Noise from rooftops
- Site is too small
- Smaller development more appropriate
- Disabled ground floor occupants in Viaduct Lofts should be considered
- Quiet and narrow road
- Dangerous entrance and exit onto Lewes Road
- Current lack of parking to be worsened
- No more visitor parking available
- Additional Traffic including deliveries
- Increased footfall
- Construction issues given location of site
- Parents current use pavements to access primary school
- Posh student accommodation
- Affordable housing needed
- Wind tunnel effect
- Darkness
- Short stay accommodation erodes community
- Not appropriate type of housing for area
- No demand for co-living units in the area
- Not considered to be affordable
- Will people be vetted?
- Will rooms be let to international people?
- Impending recession
- Virologic risk

5.4. 28 (**Twenty-Eight**) further letters of support have been received regarding the proposed development for the following reasons:

- Good design
- Attractive
- In keeping with other local development
- Community benefit
- Nam Yang Kung Fu does great work for local community and supporting disadvantaged young people
- Gym is community asset
- Community focussed services
- Important upgrade for the community
- Great club
- A new gym would be amazing for the City
- Improved facilities
- The City should support grassroots community organisations
- Scheme would rejuvenate area
- Scheme would improve atmosphere

- Scheme would create a strong sense of community
- Community use is a lifeline for mental health
- It's not very often you find developers willing to work with a community organisation
- Affordable rent for Nam Yang
- A lot of good community organisations in Brighton have gone under because no one was willing to support them, so great to see a development group support a local Community grassroots club like Nam Yang.
- Current building is in a terrible state
- Melbourne Street needs redevelopment as the street is not safe
- Scheme would create safe access for the children of St Marten's School

5.5. 1 **(One)** letter of support was received from Nam Yang Community Association as follows:

*"I am writing on behalf of myself and my co-directors at Nam Yang Community Association, Brighton to express our strong support for planning application BH2019/01820. We would, however, request that the Planning Committee only grant planning permission subject to a Section 106 order to enforce the community benefit statement that accompanies the application, and which sets out the developers' commitments to ourselves and the local school, St Martin's Primary School.*

5.6. *For context, we are based in the building which will be demolished if this planning application is granted and have, via the community benefit statement submitted with the application, reached an agreement with the planners to provide us with a new, improved space in the new development. This will allow us to continue our community work as well as provide new health and wellbeing services to the staff and pupils at St Martin's Primary School, which is adjacent to the development and with whom we enjoy an excellent existing relationship and shared social values.*

5.7. *Nam Yang Community Association has worked with the local community in Lewes Road for 20 years. We are an inclusive, not for profit, community based martial arts club with an explicit social aim of fostering positive attitudes towards diversity within the local community. We do this by providing safe spaces for people of all ages and backgrounds to maximize their mental and physical health, with a particular focus on poor and marginalized groups.*

5.8. *We have around 130 members, half of which are children and young people (our oldest member is 67 and our youngest is 4). The club's membership represents able bodied people, people with physical and mental disabilities and at least 17 different ethnic backgrounds, including several refugees and asylum seekers (we currently have an application under consideration to become a Club of Sanctuary). The majority of our members are on low incomes and many have caring responsibilities; both things we specifically provide for. This includes a sliding fees scale, with people in particular financial difficulty training for free when necessary and reduced rates for people that work in the NHS and emergency services. We never turn anyone away based on finance. This makes us one of the most affordable and inclusive sports clubs in Brighton. As*

*well as classes at our full-time martial arts centre, we do significant additional community outreach work, providing free demonstrations and workshops for schools and other community groups, as well as work experience opportunities for local school children.*

5.9. *We have been impressed by the positive way in which the developers have engaged with ourselves and St Martin's School, the latter of whom we enjoy an excellent working relationship with shared community values. As long the Planning Committee insists on a Section 106 order to ensure that the community benefit statement is honoured before commercial operation of the new development commences, we are confident that the development will allow us to further expand the positive work we do in the community and expand our work with St Martin's School".*

- 5.10. 1 **(One)** letter with comments has been received on the following grounds:
- Removal of motor business which causes parking and traffic flow issues is welcome
  - Who will live in these units?
  - More traditional units are needed

2<sup>nd</sup> round of consultation December 2019

- 5.11. 3 **(Three)** further letters of objection were received on the following grounds:
- Inappropriate Height of Development
  - Noise
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Residential Amenity
  - Loss of daylight
  - Restriction of view
  - Too close to the boundary
  - Additional Traffic
  - Loss of privacy
  - Retain building that has appearance of a stable building referred to by Heritage Officer and use as community building.
  - Small businesses will be lost
  - This would be the first co-living development and would set a precedent for other similar developments.
  - City needs affordable housing for young people and families.
  - Tweaks to scheme don't alter fact that the street is too narrow for a complex of this size
- 5.12. 3 **(Three)** further letters of support were received on the following grounds:
- Approve it
  - Good for Melbourne Street
  - Good design
  - Residential Amenity
  - Site will be developed at some point
  - Subject to S106 to secure community use for martial arts club

Initial Consultation

- 5.13. 37 (**Thirty -Seven**) letters have been received objecting to the proposed development for the following reasons:
- Detrimental effect on property value
  - Inappropriate Height of Development
  - Noise
  - Overdevelopment
  - Overshadowing
  - Poor design
  - Residential Amenity
  - Restriction of view
  - Too close to the boundary
  - Additional traffic
  - Loss of privacy – issues not overcome by amendments
  - Loss of daylight to residents not changed
  - Noise
  - Impact on wildlife. Needs a badger survey. Badgers seen in Melbourne Street.
  - Adverse effect on listed building and conservation area
  - No parking proposed. New residents must be denied permits.
  - Object to homes for rent only. Need permanent not temporary housing which erodes community
  - Mimics student development
  - Short stay hotel.
  - Avoids provision of affordable housing.
  - Only targets younger people.
  - Squeezes people into expensive small spaces.
  - Existing roof made of asbestos.
  - Café unviable.
  - Overwhelmed with high rise developments in the city.
  - Too close to boundary.
  - Construction noise, pollution and disruption to school.
  - Even if car free, development will generate vehicle traffic from taxis, deliveries, visitors.
  - Buses are overcrowded already.
  - Poor daylight to new residents.
  - Overlooking playground.
  - Concern about management of occupation.
  - Lewes Road is a bottleneck
  - loss of a community gym.
- 5.14. 50 (**Fifty**) letters of support have been received for the following reasons:
- Good design
  - Support community use but must be secured by S106. Nam Yang Community Association has 128 members and provides affordable community with facilities for people with learning difficulties and disabilities.
  - Keep the gym going.



- Currently garages cause disturbance from 7am loud voices, arguments. Car repairs and spray painting in the street. Joinery operates at weekends including Sundays. Uses are non-conforming.
- Garages use Enterprise Point forecourt for repairs without permission
- Support demolition of existing uses and improve the area. Will give the area a facelift.
- Street is currently frightening and dangerous due to car manoeuvring, blocked pavements and bits of metal in the road. Proposal would make it safer to walk down the street day and night.

5.15. **Comment** – 1 (**One**) comment was made as follows:

- Construction noise needs controlling. Safeguarding for children from St Martin's School for community use of building.

5.16. **St Martin's CE Primary School – Support**

The scheme is supported subject to safeguards. Accept that site needs redevelopment. Design is pleasing. Applicant has listened to concerns. Draft community benefit statement which will include school use. Applicant offered support for solar panels on school. Property will be managed at all times. Will remove the existing garages which are noisy, create illegal parking, traffic management issues and pupil safety. Provision of café and shared work spaces will create a community atmosphere. School will be able to hire the rooms when needed. Need regular consultation over construction management plan and stringent measures to control dust, noise and delivery traffic. Local authority, applicant and community should consider pedestrian routes.

## 6. CONSULTATIONS:

### Internal:

6.1. **Arboriculture:** Object

Final comments: Object.

The proposed development would have a detrimental impact upon trees in proximity. The proposal now highlights the requirement to remove four trees due to proximity as well as the need to cut back a further five in excess of BS3998 Tree Work – Recommendations. This reinforces the original objection stating a detrimental impact to trees in proximity. Arboriculture still have concerns regarding the structural integrity of a proportion of the trees following such pruning and the regular requirement to maintain.

Revised comments: Object

6.2. The trees located to the north of the proposed development are significant in terms of the amenity they provide the built up urban environment. These trees help form the formal avenue plantings running from the entrance of the crematorium and contribute to the wider woodland landscape within the site. The trees are highly visible from Lewes Road providing much needed tree cover. The proposal will result in above ground incursion into the tree canopies. The proposed building is sited to such an extent that severe pruning is required in order to accommodate the building itself.

- 6.3. Though the proportion of pruning is not stated in numerical terms i.e. area of canopy lost to pruning, it is apparently, based on the Tree Protection Plan 'MS.TPP.442.V1', that there is to be a significant amount of crown loss in order to deliver the proposed minimum clearance (1.5 metres). The loss of amenity value to the majority of trees located upon the bank would be similar to a fell. I have concerns over the structural integrity of a proportion of the trees following such pruning. This will be exacerbated by the regular requirement to maintain. In my opinion post development pressure may lead to the removal of trees when trees are in close proximity to living space. Factors that may not have been considered would include leaf and sap drop, insects and other wildlife.

Initial comments: Object

- 6.4. The trees along the northern boundary of the site are part of a wider arboricultural feature and are similar to the belt along the northern side of Woodvale Crematorium access road. I have no objections to the removal of the three trees proposed for removal which include 2 category 'U' specimens and a tree stump. Some of the categorisation of the tree belt is questioned and it is considered that the life expectancies are much longer than the estimates suggested. Irrespective of this, consideration should be given to the tree belt as a single entity. Some of the tree pruning proposed includes the reduction of lateral growth to accommodate the development. The report also does not provide numerical representation of the Root Protection Area (RPA) incursions. Information required on underground services and potential impact on trees. Object as contrary to policy QD16 and SPD 06.

- 6.5. **Ecology: Comment**

Revised comment:

The proposed amendments are unlikely to have any additional impacts on biodiversity than those already identified. As such, the comments provided and the conditions recommended for the original application remain valid.

Initial comments:

- 6.6. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.
- 6.7. Provided that the recommended mitigation measures are taken the application can be supported. Without mitigation, construction and operation of the proposed development could have negative impacts on the Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site (LWS or Site of Nature Conservation Importance). Proposed mitigation includes a Construction and Environmental Management Plan (CEMP) and a sensitive lighting strategy.
- 6.8. The proposed development would require the removal of two trees from the northern boundary (i.e. within the LWS) and partial removal of a third, plus pruning/crown lifting works to a further 14 and removal of parts of the shrubbery/understorey. Subject to the views of the Arboricultural Officer and provided a continuous canopy is maintained, these tree works are acceptable from an ecological perspective. It is noted that a green (chalk grassland) roof is proposed which is welcomed. Green walls should also be considered.

Recommend the provision of three house sparrow terraces and three 578.

6.9. **Economic Development:** Comment

Final Comments:

City Regeneration has adverse comments regarding this application. Should this application be approved, it would be subject to developer contributions. The sum request will be £8,300 commensurate with reduction in residential units and an Employment & Training Strategy to be secured by S106 agreement. The revised plan shows a basement level, comprising 593m<sup>2</sup> of co-working business floorspace (B1) incl gym/community space (86m<sup>2</sup>) & ancillary café, the original comments regarding location and employment floorspace are still relevant - City Regeneration has concerns about the functionality of the B1 office space at this site as the location of co-worker space is important, as whilst Melbourne Street is on the bus route it is not city centre location, which tends to be the demand. Therefore City Regeneration would be concerned that the worker space attracts enough occupiers. City Regeneration welcome all additional employment space within the city, however the viability of the space is questionable, as it is quite small. There is a risk that this space is used by the residents rather than as rented work desks.

6.10. No employment contributions would be sought as there is no net gain in B1 floorspace. Information on the current businesses and employee numbers are required. The idea of worker space has been successful in the city for many years but it is not clear who the target audience is as part of the strategy. Location is important and whilst the site is well served by public transport, it is not in the city centre which raises concerns about its attractiveness. Further clarity is needed over the estimated employment density based upon proposed B1 floorspace. Further clarity is also required on the intended use of multi-functional rooms for employment purposes particularly in the basement with no natural light.

6.11. **Education:** Comment

It is agreed that this development is unlikely to generate any demand from school age children.

6.12. **Environmental Health:** No objection

Recommend that the following conditions be applied if minded to grant approval:

- No demolition nor development until Construction and Environmental Management Plan submitted for approval and carried out as agreed thereafter.
- No servicing except between 07.00 - 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
- Prior to completion the development hereby permitted, the recommendations contained in the acoustic report REC reference: AC107119-1R1 dated June 2019 shall be implemented.
- No occupation until a scheme for the fitting of odour control equipment and sound insulation submitted for approval.

- Lighting installation should comply with the Institution of Lighting Professionals
- Before development commenced the recommendations of the submitted reports on land contamination shall be implemented. Any contaminated land not previously identified shall be assessed and remediation measures agreed before further development continues.

6.13. **Flood Risk Manager: Comment**

No assessment of flood risk was made for development. Given the proposed new basement is circa 3.3m below the existing ground level, it is recommended that the risk from this source be suitably assessed and managed. The applicant proposes green/blue roof at site. The Lead Local Flood Authority (LLFA) find that the existing runoff calculations are acceptable. The LLFA find that the proposed runoff calculations for lower roof level are also acceptable. However, the upper roof level calculation is not acceptable. We agree with the modelled tank areas, which use the area of 127m<sup>2</sup> but the area of 292m<sup>2</sup> used to model the green roof depicts the 165m<sup>2</sup> terraced area as a green roof. In reality this area is draining to the green roof/tank situated on the upper roof level (127m<sup>2</sup>). Maintenance plan submitted is acceptable for the green roof components of the proposed drainage. However, it does not mention the blue roof aspect, specifically maintenance of the orifice plates. Recommend approval subject to condition requiring a detailed design and associated management and maintenance plan of surface water drainage be submitted for approval.

6.14. **Heritage: Comment**

Final comment:

The amendment to reduce the western half of the proposed building to 4 storeys in height is a very significant improvement and, together with the proposed brick colour and the amended and additional planting to the flat roof, it is now considered that the harm to the settings of the assets (Roundhill conservation area and the listed buildings in Roundhill Crescent) would be at the very minor end of less than substantial.

Revised comments: Object

- 6.15. The Character Statement for the Round Hill Conservation Area states that: “views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south east, the curves and contours of streets like Round Hill Crescent are especially attractive.” The Photomontage Study submitted on 19 December 2019 demonstrates that the harmful impact on the views from within Roundhill Crescent, at its north-east end, would be greater than envisaged in the previous Heritage comments. From the pavement on the south east side (opposite the listed terrace of 101-113) the development would substantially infill views towards the green backdrop of the other valley side beyond. It is acknowledged that it would not intrude on the outline of the trees against the sky from this viewpoint but would do so as the viewer descends the hill. Given the importance of long views and greenery to the setting of the conservation area, as identified in the Conservation Area Character Statement, it is

considered that the proposed development would cause some harm to the setting of the conservation area.

- 6.16. The submitted view from the north-west side of the pavement, outside number 95, demonstrates that the development would very clearly impact on the silhouette of the end of the terrace, number 113, which is currently outlined against the trees and greenery (as well as the sky). This view out towards the trees and greenery on the other valley side is part of the way in which the listed terrace is experienced and this visual impact would continue as the viewer moves down the hill past the listed terrace. It is considered that this visual impact would cause some harm to the setting of the listed terrace of numbers 101-113, which have group value.
- 6.17. The proposed development would therefore cause some harm to the setting of the Round Hill conservation area and would cause some harm to the setting of the listed terrace of 101-113 Round Hill Crescent, contrary to policies CP15, HE3 and HE6. This harm would be less than substantial under the terms of the NPPF but must nevertheless be given great weight in weighing the application.

Initial Comment:

- 6.18. The 20th Century commercial garage building has no architectural merit but the mid-19th century stable or workshop building is a remnant of a historic group of service buildings as a reminder of the historic development of the area. To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery. To the east of the site, on the other side of the valley across Lewes Road, is the Round Hill conservation area, which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground, set amongst mature trees and greenery and with long views to the Downs to the east. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed, including numbers 101-113 at the north-east end closest to the site; grand terraced house of 1865.
- 6.19. The submitted Heritage Desk-Based Assessment is welcomed but has not properly assessed the setting of the Roundhill conservation area and has not identified any impact on the setting of 113 Roundhill Crescent. The document generally does not lead to any revision of the previous comments. However, it does identify that a section of the original Woodvale Cemetery flint boundary wall exists between the Cemetery and the site. The flint boundary walls are a component of the historic park and garden also contribute positively to its setting. It is not clear from the plans that this flint wall would remain. Any approval – if the public benefits of the proposal are considered to outweigh the previously-identified harm to the settings of the heritage assets - should therefore be subject to a condition ensuring that the wall is suitably protected and maintained during and after the construction works.
- 6.20. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing flint boundary wall is to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works.

- 6.21. **Housing Strategy: No objection**  
This application is for 83 co-living/co-working units - each 'unit' being a room with en-suite bathroom and access to shared living / cooking spaces which are provided on each floor. The rooms will be rented out by the owner / developer at an inclusive rent that includes payment for a number of additional costs including: utility bills, council tax, cleaning, insurance, wi-fi, use of a gym and use of a co-working space. This is the first co-living/co-working scheme brought forward in the city. The demand for this type of accommodation is unknown at this time but there are similar schemes in other UK cities and other countries.
- 6.22. Council policy CP20 (Affordable Housing) requires the provision of 40% on site affordable housing on all sites of 15 or more dwellings (net) where viable. It is accepted that the co-living concept, the tenure and the nature of the proposed units do not lend themselves to nominations from the council's Housing Register. Furthermore, the housing provided is *sui generis* class which does not technically have a liability to provide affordable housing. The provision of on-site affordable housing is not considered appropriate and a financial contribution towards off-site provision is an acceptable solution in this instance.
- 6.23. No objections subject to provision of a commuted sum to be used towards providing affordable housing elsewhere in the city.
- 6.24. **Planning Policy: Support**  
**Final comments: Support**  
Previous comments had raised concerns over the C4 multiple accommodation and its proposed room-by-room letting process. Strangers being placed together would seem unsatisfactory and could be unattractive to those seeking co-living accommodation due to the independence it offers over traditional HMO accommodation. It appeared to be a similar but inferior and potentially less attractive form of co-living. The removal of the C4 units and reversion to single co-living studios is therefore supported and considered to represent a more coherent residential provision.
- 6.25. Concerns around on-site housing mix remain due to the uniform nature of the residential units. It is however recognised that the development would introduce a new form of housing to the city which will increase the variety of accommodation available in the strategic citywide context. As well as those attracted to the co-living/co-working concept, the flexible nature of the co-living units could be attractive to single people who seek high quality, modern accommodation and would rather not live in a house share. The flexible nature of the accommodation may also appeal to those needing a short-term housing solution such as moving to the city temporarily for work. A condition should be attached to the permission to ensure a minimum length of stay, ideally three months, to prevent the units being used for very short-term or holiday accommodation.
- 6.26. It is accepted that the co-living concept, the tenure and the nature of the proposed units do not lend themselves to being made available for nomination

for affordable housing and the applicant has therefore proposed a financial contribution towards off-site provision. Whilst a one-off affordable housing provision is not the expected outcome for sites allocated for mixed use development, it is considered acceptable in this instance given that *sui generis* housing models do not strictly have a liability for affordable housing provision. Further to consultation with the council's Housing Officers, it is considered appropriate to base the commuted sum value on the difference between the annual proposed rent (excluding the value of the additional elements included in the rental payment such as Council Tax, utility bills and gym membership) and an equivalent annual affordable rent, considered to be the value of the Local Housing Allowance 'room rate' for Brighton & Hove. The value will be multiplied to cover 40% of the units in line with the requirements of Policy CP20. This would be a one-off payment to cover a one-year period. The comprehensive mixed-use redevelopment of this dilapidated site, allocated in City Plan Part One, is welcomed in principle.

6.27. **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 as follows: The Developer covenants with the Council to commission and install on the property an Artistic Component to be approved in writing by the Director to the value of £29,000 including installation costs prior to first occupation of the development. The level of contribution is arrived at after the internal gross area of the development is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area.

6.28. **Sports Facilities:** Comment

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. At this outline application stage it is not entirely clear how this development would achieve that. More detailed plans and information would be required in order to provide a more comprehensive response. Based on the current housing mix and provision the required Developer's sport contribution would be:

- Outdoor Sports Facilities: £93,528
- Indoor Sports Facilities: £17,934

6.29. Recommendation lies with the application case officer, subject to funding, on-site considerations and comments from other consultees.

6.30. **Sustainability Adviser:** Comment

Meeting the energy and water targets for all the development is welcomed. Achieving BREEAM Excellent in the energy section as well as achieving an overall BREEAM excellent score for the non-residential part of the development is especially welcomed. The targets are only just met, and a better comfort zone is required at this stage to allow for any slippage in the construction phase.

6.31. The use of Air Source Heat Pumps (ASHP) technology for the heating is welcomed to meet the requirement of Brighton & Hove City Plan Part 1 policy DA3. Clarification required if ASHP will be used for a communal heating system and whether underfloor heating or radiators proposed. The use of PV on the grass roof and food growing is excellent to enhance biodiversity and reduce run off and would meet the requirements of Brighton & Hove City Plan Part 1 policy CP8. A car free site is praised along with indoor cycle parking. Details of the ventilation strategy are required. Some concerns about overheating on the south elevation may arise. Air permeability is not considered to be good and should be reduced.

6.32. **Sustainable Transport: Objection**  
**4<sup>th</sup> revised comments: Objection**

A revised plan has now been submitted proposing a loading bay on the southern side of Melbourne Street to address previous safety concerns regarding the location of the proposed loading bay on the northern side of Melbourne Street. Whilst the design of this bay still needs to be revised and further amendments are required to the widening of the footway on the northern side of Melbourne Street, the applicant has agreed that these can be addressed through a Grampian Condition. We are therefore satisfied that we are able to remove our safety objection.

6.33. However, we remain unable to recommend approval despite the revised plans submitted and additional information submitted due to:

- Parking overspill impacts on safety and amenity: The application does not include any on-site car parking. All parking demand will therefore arise as overspill onto surrounding streets. Whilst much of this can be prevented by permit-free and other conditions, not all of it can. Residual overspill will occur from visitors to the residential component and visitors/customers for the commercial component. Residential visitors will be able to access visitor permits to use either permit-holder-only or shared-use bays (including by using visitor permits), whilst commercial customers/visitors will be able to use shared-use bays as pay-and-display users. Submitted parking surveys show there is enough spare capacity locally to accommodate the demand from the residential visitors but not also the commercial visitors/customers, with a shortfall of 15 spaces. This shortfall will be increased to 17-20 spaces as a result of the loss of on-street parking spaces to accommodate the loading bay on the south-side of Melbourne Street. This is likely to increase demand to use shared-use bays – reducing their availability to resident permit holders in the process. The usual adverse safety and amenity impacts may follow from drivers circulating around local streets looking for spaces and/or parking unlawfully. The application is therefore not compliant with NPPF para 109, Brighton & Hove City Local Plan Policies QD27 and TR7 and City Plan Part One policy CP9 and SPD14.
- Lack of cycle parking and related design issues: The amount of cycle parking proposed (at time of writing) is below the minimum policy requirement of 72 spaces (shortfall of 12). The plans submitted are not in accordance with quality and design standards. Whilst the spacing for Sheffield stands is acceptable there are still several design issues which



do not make this scheme acceptable. Only one store is proposed in the basement. This is to be shared between residents, commercial users and visitors. This raises significant security concerns. Access to the stores is constrained due to narrow corridors and having to negotiate several sets of doors. Additionally, the lifts are small, meaning that only one person would be able to use them at one time. The use of the store is not appropriate for visitors meaning it is likely to lead to inappropriate parking on surrounding streets, the footways of which are narrow. The spacing of the two-tier stands within the store are too close for these to be accessible, even for strong able-bodied people. The proposals are therefore contrary to policy TR14/SPD14, CP12/13 and NPPF paragraphs 108 and 110. In particular, NPPF paragraph 110 requires development to maximise the potential uptake of sustainable forms of transport given the nature and location of proposals. Here, both are highly conducive to cycling. This shortfall must be considered within this context and in view of the lack of car parking facilities.

- 6.34. There are further aspects of the proposals that also remain unsatisfactory or less than ideal. However, these are distinguished from the above by the fact that we are able to recommend conditions or obligations to resolve them:
- The proposed loading bay on the southern side of Melbourne Street still has outstanding design concerns in terms of its length and the ability to secure this given the need to agree removal of existing parking via changes to Traffic Regulation Orders. Additionally, further amendments are required to the widening of the footway on the northern side of Melbourne Street. However, though not ideal these can be addressed through a Grampian Condition requiring a suitable scheme to be agreed with us before development commences.
- 6.35. Positive aspects of the proposals that require no further attention include the following:
- The existing and proposed trip rates have now been agreed.
- 6.36. Other key matters that have been considered include:
- A sustainable transport contribution of £50,300 is recommended owing to the forecast increase in daily person trips from the site. This should be allocated to pedestrian footpath improvements, bus stop improvements and street furniture to aid accessibility.
  - A CEMP/DEMP will be required due to the nature of the constrained site and the difficulties that will follow for demolition and construction. These should be secured through detailed S106 obligations.
  - A residential and employee travel will be required to encourage sustainable travel to and from the site. This can be secured by S106 obligation.
  - There is not expected to be a significant net increase in vehicle trip generation as the scheme is proposed to be car-free.

## **External**

- 6.37. **Conservation Advisory Group: Support**  
The Group recommends APPROVAL.
- 6.38. **East Sussex County Archaeologist: Comment**  
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. No further recommendations.
- 6.39. **Environment Agency: No objection**  
No objection subject to conditions being applied related to:
- Remediation Strategy to deal with risks associated with contamination of the site.
  - A verification report demonstrating that remediation strategy has been carried out with results.
  - Discovery of previously unidentified contamination
  - Sustainable Urban Drainage System infiltration only permitted subject to Local Planning Authority approval.
  - No piling except with consent of the Local Planning Authority
- 6.40. Advise Local Planning Authority that current use as auto servicing centre and joinery presents a high risk of contamination.
- 6.41. **Southern Gas Network: Comment**  
Information on mains records supplied.
- 6.42. **Southern Water: Comment**  
The exact layout of the public sewer records must be determined on site by the applicant before the layout of the proposed development is finalised. Request a condition if diversion of public sewer required prior to commencement of development in consultation with Southern Water. Request informatives regarding formal connection to the public sewer, water supply and details of drainage system to take account of possible surcharging into sewer system. Request condition requiring details of means of foul and surface water sewerage disposal in consultation with Southern Water.
- 6.43. **Sussex Police - Comment**  
Public and private areas should be kept separate from a crime prevention perspective. Advice on security to doors and windows and use of access control system with CCTV. Compartmentalisation should be used to protect residents. Internal commonways should be fitted with 24 hour movement activated switched lighting and dusk to dawn energy efficient lighting should be installed to external areas. Access control to cycle parking areas for all residents with internal lighting should be provided. Access control to bin stores recommended and resident's lockers. No reference to the capacity of the cafe, the intended hours of opening and the proposed staffing levels. The site is within the parameter of the late night economy of the city centre.
- 6.44. It is noted an 'Operational Management' Plan is proposed for the development. From a crime prevention viewpoint this will include conditions of residence in a

'Behaviour Contract' that will be given out for new arrivals. There will also be 'General Management' and Maintenance staff within the building, although it does not specify the hours they will be there, or how many will be working each week day or at weekends. The application indicates a possible 70 staff are required, but does not indicate how many staff will be on duty each day or spread over the week. I am pleased to see that a CCTV system with on-site recording will be operating throughout communal parts of the building.

- 6.45. The application indicates that the roof terrace is not to be open to residents after 23.00hrs until 07.00hrs in the morning. This needs to have a secure door with vandal resistant timed access control to deter any unauthorised or abuse of access. For those residents in Viaduct Lofts, being overlooked at 23.00hrs from the roof terrace may affect their amenity and rights to privacy. An earlier closure may be more appropriate, and a protective barrier should be 1.5m in height and set back.
- 6.46. **UK Power Networks:** Comment  
Information on electrical lines and plant in the vicinity supplied.

## **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 February 2017);
  - Shoreham Harbour Joint Area Action Plan (adopted 2019).
- 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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy.

Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

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                                       |
| CP19 | Housing mix  |
| CP20 | Affordable housing                                 |
| CP21 | Student housing and Housing in Multiple Occupation |
| DA3  | Lewes Road Area                                    |

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

|      |   |
|------|---|
| TR4  | Travel plans  |
| TR7  | Safe Development  |
| TR14 | Cycle access and parking  |
| 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     |
| HO13 | Accessible housing and lifetime homes                             |
| HO20 | Retention of community facilities                                 |
| HE3  | Development affecting the setting of a listed building            |
| HE6  | Development within or affecting the setting of conservation areas |

Supplementary Planning Guidance:

|         |   |
|---------|---|
| SPGBH9  | A guide for Residential Developers on the provision of recreational space |
| SPGBH15 | Tall Buildings  |

|       |                                   |
|-------|-----------------------------------|
| SPD03 | Construction & Demolition Waste   |
| SPD06 | Trees & Development Sites         |
| SPD11 | Nature Conservation & Development |
| SPD14 | Parking Standards                 |
| SPD16 | Sustainable Drainage              |

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- the principle of the proposed uses on this site and the site allocation in City Plan Part 1 for employment-led mixed use development with housing
  - the provision of affordable housing
  - the mix and quality of the accommodation and amenity of the occupiers
  - the impact on neighbours including daylighting and privacy
  - the quality of design and impact to the character and appearance of the locality including setting of conservation areas
  - the impact on the tree belt in Woodvale Crematorium
  - the impact on parking and servicing in the vicinity and promotion of sustainable modes of transport
  - sustainability and biodiversity
  - whether the demand for infrastructure is adequately addressed through S106/conditions
- 9.2. Another key consideration is the council housing supply position. The council's most recent housing land supply position published in the SHLAA Update 2019 shows a five-year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

### **Planning policy including principle of uses proposed and housing mix:**

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

- 9.4. The Melbourne Street Industrial Area is located to the east of the Lewes Road District Shopping Centre and is identified as being in need of investment in the supporting text to policy DA3.
- 9.5. Policy CP3 identifies the Melbourne St Industrial Area for employment led (residential and employment) mixed use development. This policy seeks to safeguard sufficient employment sites and premises to support job creation and the needs of modern business whilst allowing some mixed use.
- 9.6. The Melbourne Street Industrial Area allocation also includes the adjacent Enterprise Point site. The application at Enterprise Point under ref: BH2018/02751 referred to above, proposed 330 purpose built student accommodation (PBSA) rooms with 24 class C3 residential flats and approximately 1000 sq. m of B1 employment floorspace and was refused on 25 April 2019. One of the grounds for refusal related to policy CP3.4 site allocation, as the small amount of housing proposed would have compromised the Council's ability to meet its housing needs and would set an unwelcome precedent for the approval of student accommodation on the other sites allocated under policy CP3.4 across the city in future. The proposal was thus considered to be contrary to policies CP1, CP3 and CP21 of CPP1.

#### Employment

- 9.7. The current area of employment space on the site is 750 sq. m. which includes the space above the joinery used by the martial arts club (87 sq. m.). No record of a change of use for the club is evident but the club has operated here for over 10 years. The proposed employment space of 587 sq. m. would include the allocated space in the basement for the martial arts club amounting to an equivalent 80 sq. m. There would therefore be a net loss of 163 sq. m. of employment space. Paragraph 4.36 in the supporting text to policy CP3.4 sets out the factors that would be considered for permitting a net loss of employment space. They include:
- Site constraints including opportunities for more effective use of the site.
  - The need for environmental and townscape improvements
  - Access arrangements
  - Safeguarding the amenity of surrounding users and occupiers
  - The quality of employment offer in terms of type of employment and density
  - Viability
- 9.8. The site is constrained by its narrow depth, the natural screening of the tree belt on its north side, the proximity of neighbours and the narrowness of the street. This has resulted in a high-density scheme - a point acknowledged by the Design Panel. The access arrangements are challenging such that there would be no opportunities for off-street parking, servicing and deliveries. This is evident from visiting the current buildings where the various car businesses rely on street parking for customer vehicles awaiting repairs or the fitting of new tyres. This frequently results in congestion and unauthorised on-street parking. The units operate with the shutters and doors open so there is no screening for residents from the noise of repairs and machinery. The noise and disturbance to adjoining residents has been highlighted in neighbour consultee

responses and evidenced from site visits albeit the vehicle traders predate the block of flats, 'Viaduct Lofts' opposite. Whilst having reservations about the scale of the proposals, neighbours have indicated that redeveloping the site and removing the car repair and tyre sales businesses would be welcomed notwithstanding the businesses historic presence in the area.

- 9.9. The existing employment uses offer skilled jobs in the motor or joinery business, the proposed shared employment space would offer greater densities of employment with 46 working spaces and the proposed uses would fall within B1 (a) office use within the building and therefore unlikely to cause as much noise and disturbance to residents. The employment space could support the small businesses in the fast growing creative, digital and technology sectors. The café is a standard element within this type of co-working accommodation coming forward elsewhere in the city and would be integral or ancillary to the employment use. It would not therefore be open to the public as a separate use.
- 9.10. Following the reduction in the number of units, the required developer contribution towards the local employment scheme would be reduced to £8,300 and there would still be the requirement for an employment training strategy and to seek to employ 20% local employees during the construction stage. This accords with policy CP7.

Community sports use:

- 9.11. The commitment of the applicant to re-provide the martial arts facilities which currently comprises cramped first floor roof space of the current building development is welcomed. Whilst this use of the building does not benefit from planning permission, it is likely to be a 'lawful' use as it has been there over 10 years. It is therefore considered that policy HO20 is relevant, which seeks retention of community facilities, and policy CP17 relating to sports facilities.
- 9.12. The overwhelming majority of letters of support for the scheme primarily refer to the retention of the club in the new building and wish to see this secured by a S106 agreement, which is proposed. It should be noted that the support for the club is from a wider area catchment of the city rather than neighbours with the exception of St Martins School, although local neighbours have not raised any objections to the club continuing its occupation. The development would enable the club to continue serving the local community and would be a sustainable benefit by retaining the club at the heart of its community. The club is a not for profit community-based club with 150 members including 70 children and provides affordable membership and classes in a variety of martial arts and is inclusive providing coaching for participants with physical disabilities and special education needs.
- 9.13. The new purpose-built facility which is almost the same size as now will be available all day and at weekends on the same terms as the current facility, but unlike the current facility would be fully accessible. The current facility is only accessible via a steep narrow staircase. At present the facility cannot be used during opening hours of the car repairs business due to noise and fumes infiltrating the room. The retention of the facility would ensure that the proposal

complies with policy CP17 of City Plan Part 1 by retaining and enhancing provision of an indoor sports facility as part of the development proposals. The community use provision is proposed to be secured by legal agreement to retain the space within the building as shown on the plans and by way of a community use agreement.

Housing:

- 9.14. The Melbourne Street Industrial Area is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) for an indicative 80 units. Within the identified policy CP3 site, Enterprise Point is the larger site at 0.43 ha. in comparison to the application site which is 0.07 ha. Therefore, this joint site area was expected to accommodate a much larger proportion of the indicative residential units such as the approved mixed residential/employment scheme in 2014.
- 9.15. The Planning Policy team did not support the initial proposals at 19-24 Melbourne Street indicating that it was expected that the provision of C3 housing should be maximised on the site given the council's 5-year housing supply shortfall. The applicant's original application was submitted to include 15 build to rent flats and 49 co-living rooms but revised plans submitted in December altered the accommodation to include the provision of 13 co-living apartments. The apartments would have been occupied for rent only on a room by room basis such that the character of occupation would have fallen under class C4 small units of multiple-occupation. The number of co-living rooms was, at the same time, reduced from 49 to 34 and the total number of bedspaces would have been 88no.
- 9.16. As a result of other concerns related to visual impacts and the amenity of neighbouring flats opposite due to loss of daylight, the scheme has been reduced to part 4 and 6 storeys in height. As a result, the scheme now under consideration would provide a single typology of accommodation of 83 co-living rooms.
- 9.17. The applicant considers that these sui generis co-living rooms could count towards meeting housing targets by providing living accommodation for 83 persons. Initial policy comments queried whether sui generis co-living accommodation should be counted towards the council's housing targets. Following further consideration of the national guidance on this issue, it is agreed that it should. This removes one strand of the policy objection to the scheme as the site would contribute towards the city's housing target as envisaged through the mixed-use allocation in Policy CP3. Based upon the Housing Delivery Test ratio of 1.8: 1, it is agreed that the co-living rooms would equate to 46 homes which, it is stated, would contribute to more than half of the indicative numbers (80) in the SHLAA that the whole site allocation (including the Enterprise Zone site) could provide.
- 9.18. As stated in the planning policy team's comments, CPP1 requires proposals to demonstrate a housing mix that responds to the city's needs. However, Policy DM6 of the emerging CPP2 does address this emerging sector of the housing market and the CPP2 carries some weight at this stage.



9.19. The applicant has referred to the site constraints which they consider render the site unsuitable for providing family accommodation with no opportunities to provide suitable outdoor amenity space and off-site car parking. The residential co-living units proposed are aimed at a market for whom buying property is not an option. The type of occupation would be flexible with short tenures available of less than a year. Management of rentals would be in house so there would be no fees charged under rental agreements or renewals. There would also be no utility bills and use of the gym, screen room, break out space, laundry etc would be free and residential occupants would also be able to use the workspaces on the ground floor at no extra cost. Kitchen utensils, bed linen and cleaning services would be included in the rent. It has been agreed that there would be a minimum rental agreement of 3 months to be secured via condition to avoid the tenure of occupation having the character of a hostel or short let holiday accommodation which would fall under a different use class. The applicants also do not wish to provide student accommodation which would be contrary to policy CP3.4 as confirmed by the refusal at Enterprise Point last year. A suitable condition would be required to ensure that no full-time students including post-graduates and full time PHD students could live in the development and that the residential accommodation could only be used for the purposes set out in the application.

Affordable housing:

- 9.20. The Housing Strategy team have referred to the pressing need for affordable housing as identified in the Affordable Housing Brief. Affordable housing in the city is usually provided by the council or by a Registered Provider partner who develops a mix of housing for affordable rent and shared ownership. Affordable rented housing remains the priority for the council with affordable rent capped at a maximum level of local housing allowance (including any service charges).
- 9.21. Offsite provision via a commuted sum payment is an accepted policy position in schemes with exceptional circumstances. The co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register, and therefore the provision of on-site affordable housing is not appropriate and a financial contribution towards off-site provision is considered an acceptable solution.
- 9.22. In this instance the commuted sum value has been based on the difference between the proposed annual rent for the accommodation (excluding the value of the additional elements included in the rental payment such as Council Tax, utility bills and gym membership), and an equivalent annual affordable rent based on the Local Housing Allowance 'room rate' for Brighton & Hove. This value will be multiplied to cover 40% of the units in line with Policy CP20. The basis for this calculation has been recommended by the Housing Strategy team and is considered to be acceptable.
- 9.23. This would be in the form a one-off payment which will be used towards the provision of affordable housing elsewhere in line with policy CP20. The applicants have agreed a developer contribution towards affordable housing. A

sum of £120,780 has been agreed based upon what would be the discounted rent of 25% on 40% of the rooms (33 units).

- 9.24. This is the first scheme brought forward specifically as a co-living/ co-working scheme and as such creates a new template for the development of such schemes and the take up of this type of accommodation. Many of the costs associated with rented accommodation are included such as bills and included is the provision of items such as bed linen and kitchen utensils with cleaning services included. Shared space and socialising to combat loneliness are listed as potential benefits of this type of housing.
- 9.25. In this instance the housing provided will be managed by the owner, or an agent acting for the owner. The information provided with the application states that the length of leases will be flexible, so that tenants have a choice to fit in with their needs rather than having to commit to traditional year-long rental contracts. Fees associated with private renting would also not be applicable.
- 9.26. There has been some discussion with the applicant about how affordable the accommodation would be in comparison to a traditional affordable rented unit with the inclusive elements stripped out. The applicant has therefore agreed to a contribution to affordable housing notwithstanding that this new form of accommodation would not fit the template for attracting an affordable contribution on or off site.
- 9.27. It is considered therefore that on balance, this particular proposal would make a contribution towards the provision of flexible rented accommodation in the city and that the affordable contribution secured would weigh in favour of the scheme. The proposal is supported by the Planning policy team and by the Housing Strategy team conditional on securing the affordable housing contribution.

Amenity:

- 9.28. A roof terrace is proposed to provide outdoor amenity space within the site for the co-living residents. Further details of the management of this and the building as a whole is to be secured by condition. An open space and sports contribution of £90,000 to provide further facilities offsite has been agreed. For the purpose of the calculation, each co-living unit has represented a studio unit, and the open space provision is provided per unit. The overall open space/sports contribution sought via S106 takes into account the provision of a replacement gym/martial arts facility onsite. This is an accepted policy position.

**Design and Appearance:**

- 9.29. National and local planning policies seek to ensure that developments are of good quality and respect their surroundings. The council has a statutory duty to consider the impact to setting of conservation areas. Policies HE3, CP12, CP13 and CP15 are particularly relevant.
- 9.30. The scale and bulk of the scheme has been reduced in the last iteration to part 4 and 6 storeys to reflect the scale of Viaduct Lofts opposite which has a maximum height on the corner apex of 7 storeys stepping down to four and

three storeys on the returns. The proposed development would be at the same maximum height as Viaduct Lofts due to its deeper ground floor employment space. With the revised reduction in height, the proposal would now mirror Viaduct Lofts. To the east on higher ground, Enterprise Point is at 6 storeys but dominates the neighbourhood. It is considered that the general scale and heights of the scheme are appropriate in the immediate context. There are three views of the proposal where its scale would have a wider impact which are in Melbourne Street looking north, from the Vogue Gyrotory and from the Roundhill Conservation Area. The latter is the most sensitive. In the first two, the scale is seen more fully in the context of Viaduct Lofts and Enterprise Point. From the north, the development would be screened by the tree belt in the crematorium particularly in the spring/summer months.

- 9.31. There have been resident objections to the scale and height of the proposals in terms of its character and scale in relation to the area. The reduction in part to 4 storeys has not reduced the volume of objections. It should be acknowledged however that Viaduct Lofts and Enterprise Point are part of a mixed scale of large and small scale development already established around Melbourne Street. Whilst there are some neighbours who have objected to this aspect, the majority of objections received at every consultation have come from a wide area across the city in support of those immediately affected. In considering the Tall Buildings SPG15, whilst the site is not directly fronting a main road where proposed tall buildings are directed, SPG15 was adopted (2004) when the Viaduct Lofts appeal was allowed in 2010 by the Secretary of State, a building which now contributes to the established built form of the neighbourhood.
- 9.32. The design and appearance of the elevations provide a modern interpretation of the classical *piano nobile*, in which the larger principal windows serving the main rooms are located at upper ground or first floor level. This also reflects the appearance of the listed terraces seen in the viewpoints from the conservation area. In the case of this building, the large arched windows are also a nod to the railway heritage where a viaduct once traversed Melbourne Street. They serve the employment space and first floor residential accommodation. A feature has been made of the central emergency stairwell at the front with protruding vertical fins. The primary material would be brick in keeping with more recent development along the Lewes Road corridor.
- 9.33. The elevations feature strong architectural features and a depth to the elevation featuring window reveals, and elements of glazed tiles to provide decorative detail. The upper floors provide some bronze cladding elements again to provide variation and there is strong vertical emphasis to the elevations. Opportunities to provide planting on the roof are proposed to soften the edges when seen against the backdrop of the downland hinterland. It is considered that the design and appearance of the proposed development is of a high quality and would considerably lift the architectural quality of this Melbourne Street location. In this respect the proposals would comply with policy CP12 of CPP1.

- 9.34. In conjunction with the general appearance of the design, much consideration has been given over to the impact of the development on the setting of the Roundhill Conservation Area and the downland views in the background. Concerns were raised about how the development would infill a characteristic view from the conservation area of the views and potentially interrupt the ridgeline of the downland. In conjunction with other concerns about the impact on Viaduct Lofts, the reduction in height to part 4 storeys has mitigated the harm by opening up the views of the downland more and creating a visual gap in the key selected views between the development and the clearly defined silhouette of the set piece listed terrace of nos. 101-113 Roundhill Crescent.
- 9.35. The Heritage Officer has confirmed that as result of the reduction in height of the western end of the development nearest the conservation area, that he is now more reassured about the impact. The harm has been reduced due to the lesser coalescence of the development with the silhouette of the Listed terrace in key views and the opening up of the contextual backdrop of the national park. The heritage officer considers that any harm would be at the lower end of less than significant harm in terms of the NPPF tests.
- 9.36. In response to initial comments by Sussex Police, the following design changes have been made:
- The bin store doors have been altered to large single-leaf doors.
  - The height of the perimeter fence on the roof terrace has been increased to 1.5m.
  - The café is to be for the use of the co-working space and residents only which negates the points made regarding the capacity of the café, the intended hours of opening or proposed staffing levels.
- 9.37. Sussex Police have not commented on the additional information provided or the changes made to the scheme but have raised new issues. However, the extensive on-site management, security and staffing arrangements would be conscientious in respect of the employment space, the living accommodation and the community use. The café is integral to the employment space and would not be open to the public or during late times and no alcohol would be served. Fuller details of a management plan will be required by condition. The comments on access to the roof terrace are noted and it is agreed that 11pm would be too late to allow access to occupants and this can be conditioned to be limited to an earlier time in the evening.
- 9.38. A contribution will be secured towards public art, in accordance with policy.

**Landscaping and Trees:**

- 9.39. Local Plan policies QD15 and QD16 are relevant and seek to ensure good quality landscaping and the protection of trees with amenity value.
- 9.40. The impact of the development on the tree belt along the south side of the crematorium access road has been considered in depth and has been a challenging issue to seek to resolve. There is no vegetation within the boundary of the site but the dense tree screen to the north within the crematorium features large mature trees of between 12-20 m in height some of

which have grown up against the existing buildings. Between the tree belt and the access road and footway is a 2 metre wide hedgerow on an embankment which slopes down to the site. The site is quite constrained at 15.5 – 16 m in width.

- 9.41. Originally a total 52 trees were surveyed all of which are rooted on the adjacent cemetery land. Following site inspections, the tree survey and protection plan have been revisited. (Access at the time was difficult due to extensive fly tipping onto the adjacent Enterprise Point.). A revised survey has focussed on 20no. of the nearest trees which fall within the influence of the proposed development being immediately behind or in close proximity to the application site. The hedgerow has also been surveyed.
- 9.42. The main concerns of the Council's Arboriculturalist are in respect of the tree felling, the amount of tree pruning required and the potential incursions into the Root Protection Area's (RPA) which could have a detrimental impact on the health of the trees. Due to the height of the embankment, those initial concerns about the risk to the RPA have fallen away. The removal of four trees is regrettable. One of these trees was leaning at an unnatural angle onto the existing building and has already been removed as an emergency by the Council.
- 9.43. The other three trees proposed for felling have grown up close to the boundary of the site of no. 16-18. They are 2 sycamores rated as low U grade value on the north west corner of the site and an elm tree rated C1 more centrally sited. The Arboriculturalist's objections are also focussed on the significant amount of pruning back of the trees proposed by the applicant. The pruning back would be to tree branches which currently overhang into the site, but it is proposed to go cut back to create a 1.5m buffer between the tree canopy and the proposed building. The applicant submitted a Tree Protection Plan which includes trees behind the adjoining sites of 16-18, Melbourne Street and part of Enterprise Point.
- 9.44. All of these trees would be in the construction exclusion zone. Most of the tree pruning is proposed at the rear (north) the application site where the tree canopies are shown on plan to spread 3-4 metres over the site along its length. There are more trees and hence a denser canopy at the eastern end of the site compared to the western end. The applicant proposes to cut the canopy back to the site boundary and to an additional 1.5m beyond onto the cemetery land. The Arboriculturalist has objected to the proposals as the pruning to 5 trees would be severe in his opinion and would not meet industry standard. Concerns have been raised about the stability of the trees and would require future maintenance. 4 of the 5 trees are sycamores category C2 and one is an Elm category B2 with evidence of disease on one limb that needs pruning.
- 9.45. The applicant has offered replacement trees in this location but advice is that it would not be feasible to replant on the same embankment due to its profile and future interaction with the development if built. Replacement trees would therefore be elsewhere as there would be no space within the curtilage of the application site. A Grampian style planning condition could be imposed

requiring replacement trees in a suitable location on land within the Council's ownership.

- 9.46. Given the existing heights of the trees and their visibility from medium distances including from within the Round Hill Conservation Area, the amenity value of this tree belt and its canopy is considered to be high. Their amenity value is enhanced by their proximity to the built-up environment of the Lewes Road which has limited street trees. The trees form an important woodland landscaped avenue inside the historic setting of the crematorium entranceway as noted by the arboriculturalist.
- 9.47. The reduction in height of the western side of the proposed development would mitigate some of the impacts where the highest parts of the trees are above the roof line. The applicant has also rotated the building footprint as much as possible to make full use of the site frontage and angle the rear elevation away from the rear site boundary. This would provide minor mitigation by correspondingly reducing the pruning back. It should be noted that local residents have not objected to the tree works proposed although one or two mentioned their outlook towards the trees would be affected. This would be improved by the part reduction in height.
- 9.48. Policy QD16 requires development to accurately identify existing trees and seek to retain them where possible and to provide new planting where feasible in the proposals. The revised survey has been accepted but retaining all of the trees and/or replacing them on site would make it very difficult to achieve these requirements and a viable proposal. Notwithstanding the applicant has sought to mitigate the proposals by rotating the footprint and bring the building away from the boundary as much as possible. The Arboriculturalist has indicated that only a 2 storey development as currently exists could be built on this site without impacting on the tree canopies but this would be unviable for a policy compliant development.

Redeveloping the site to replace a 2storey development with another 2 storey development is unlikely to be viable. The applicant considers that it would be unviable.

- 9.49. The impact on the individual trees would be harmful and replacement planting and maintenance would be required to mitigate the harm. The applicant has proposed a replacement tree planting scheme off-site in the Council's ownership as well as a long-term landscape management scheme which could be secured by condition. A financial contribution has also been secured. Whilst the impact on the individually identified trees is regrettable it should be seen in the context of the whole tree belt including circa 20 trees which are adjacent to the site which would be covered by the management scheme and an associated financial contribution. The harm caused to the tree belt would need to be weighed up against the mitigation planting scheme and financial contributions and this issue must be weighed against the overall benefits of the scheme in reaching a recommendation.

**Impact on Amenity:**

- 9.50. 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.

### Privacy

- 9.51. The site frontage is separated from the building line Viaduct Lofts by a distance of 10m and facing windows would be 10 m at their closest such is the narrow character of Melbourne Street. The top (5<sup>th</sup>) floor of the proposed development is marginally set back 0.7m and there is a very narrow stepping out space. The Viaduct Lofts has existing north facing windows which would look directly onto this site. Occupants of Viaduct Lofts directly facing the site have raised objections to the proposals on the grounds of loss of privacy.
- 9.52. The site is located on a narrow street and it is recognised that in a historic street within a higher density urban grain, privacy expectations are lowered and achieving greater separating distances is not practical. The relationship of facing dwellings will not be dissimilar to those on the same street around the corner to the south where the terraced houses in Melbourne Street face each other. It is considered that the separation distances are not dissimilar to the surrounding area given the sites urban context.
- 9.53. Notwithstanding the limited established separation distances within the street, amendments to the scheme have provided some mitigation on this allocated site. It is considered that the proposals have been carefully redesigned to mitigate previously identified privacy issues to ensure they are not sufficiently harmful to justify a refusal on this ground.
- 9.54. In summary the scheme has been amended to prevent any undue loss of privacy through the following means:
- A reduction in bulk and mass to mirror Viaduct Lofts development opposite
  - Direct alignment of windows has been avoided
  - Differing floor to ceiling heights
  - The internal communal spaces above ground floor have been repositioned to the rear of the site
  - Removal of the narrow balconies which faced south from the upper floors
- 9.55. The reduction in height and bulk has been achieved through the removal of the western end of the revised scheme. Individual co-living rooms with cooking and dining areas have been relocated to the back of the site. The proposed staircase at the central front is for emergency only and has vertical louvres to limit the angle of outlook from the glazing.
- 9.56. At ground floor level the relationship between buildings would be unaltered. The proposed co-working space would face onto two ground floor flats (which have a duel aspect) at the two facing corners of Viaduct Lofts, as well as the bin store, main entrance and emergency stairwell for the whole block. The facing windows serve 2 bedrooms, 2 bathrooms and a secondary high-level lounge/kitchen window. These windows face directly onto the footway and have limited privacy as evidenced by the blinds and curtains in place.

- 9.57. On the upper floors of Viaduct Lofts, three flats face the site. The high-level secondary windows to the flats on the north east corner of Viaduct Lofts repeat through all 7 floors. The remainder of the windows, bar one, facing the proposed development are 5 windows serving 4 bedrooms with one lounge window serving a middle flat. The middle flats are in the 4 storey block at 1<sup>st</sup> to 3<sup>rd</sup> floors with each flat having a recessed balcony facing the proposed development.
- 9.58. There would be a roof terrace on the 4<sup>th</sup> floor at the western end where direct views would be above windows opposite on the lower end of Viaduct Lofts. The fifth floor terrace proposed at the eastern end has an outlook directly down the road or towards high level windows to the corner flats in Viaduct Lofts. These existing corner flats have balconies facing east towards Enterprise Point but a view towards the proposed development is possible so arguably the new residents might be more prejudiced by existing residents.

#### Noise and disturbance

- 9.59. Concerns about potential noise issues have been raised by the roof top terrace and the management of amenity areas and hours of use will be controlled by Condition. The co-living rented units would be managed on site so that amenity issues could be addressed immediately under a management plan with sanctions for anti-social behaviour. Thus, more noise control would be possible in the proposed development than from any other buildings nearby. Some local residents both in support and opposed to the proposals have referred in very clear terms to the current noise and disturbance currently caused by the existing garage and industrial businesses which operate without any planning controls. The noises described include shouting, the manoeuvring of vehicles and heavy machine tools; and the removal of these activities should be weighed up as benefit to residents and to the environment. The provision of formal loading facilities would also improve the congestion and unauthorised parking in the street which can sometimes be a catalyst for noise and disturbance. The precise location of the loading bay will be agreed with the Highway Authority and every effort will be made to locate it away from directly adjacent neighbouring windows. During construction, a CEMP can ensure there is no undue noise or disturbance, or traffic disruption.

#### Daylighting

- 9.60. The applicant submitted a daylight/sunlight assessment with the original proposals which was reviewed by the Building Research Establishment (BRE) on behalf of the local planning authority. The assessment considered the impact on Viaduct Lofts opposite the south side and the terrace of houses on Gladstone Place (nos.10-14 even) to the north on the other side of the entrance to Woodvale Crematorium. The assessment also reviewed the daylight/sunlight to the proposed residential units in the development. Subsequently a revised daylight/sunlight assessment has been submitted with the latest revised proposals for the part 4 and 6 storey development. Prior to the revisions, informal advice of the BRE was sought by the case officer on how a reduced development which mirrored the Viaduct Lofts development would be assessed. The BRE's review of the original proposals found that



North facing windows in Viaduct Lofts would be substantially affected as the development is directly opposite them.

- 9.61. The revised plans are now a 'mirror development' of neighbouring Viaduct Lofts opposite. As such it has been demonstrated that that each respective development (i.e. the existing Viaduct Lofts and the proposed scheme at 19-24 Melbourne Street) is seeking a fair and equitable share of daylight and sunlight, which is acceptable.
- At ground to third floor levels the losses would be outside the BRE guidelines and there would be impacts on the daylight distribution in the flats as well. A number of objections have been raised on this issue by those affected most as well forming part of the general objections submitted. Flats located in the middle of the north facing elevation of Viaduct Lofts which would lose the most daylight are single aspect units and comprise one bedroom and a living room. The existing flats at the eastern end have a main lounge window facing east and a secondary window facing north towards the proposed development. These flats have 2 bedrooms facing the scheme which would be significantly affected.
  - At 4th floor level, where only 4 windows face the development, only a secondary window would now be outside the minimum guidance for VSC whilst at 5<sup>th</sup> and 6<sup>th</sup> floors all windows still comfortably exceed the guidance.
  - Most of the (9 no.) 3rd floor windows facing north currently enjoy almost unobstructed daylight levels and their daylight levels currently the recommended BRE guidance. Following the revisions, three of the windows would still meet or exceed the minimum guidance value of 27% VSC and, except for secondary windows serving the same room, the remainder would still retain a value of at almost 21%.
  - At ground floor level, 4 out of 6 windows serving habitable rooms would not meet the guidance and at first and second floors none of the windows would meet the guidance for the loss of daylight and would retain between 40-50% of their former values. Their actual retained values of between 12 – 16%, would be significantly lower than the guidance. However, four of the rooms on this side are bedrooms where occupants would spend less waking hours.
- 9.62. The impacts on sunlight to the windows of the Viaduct Lofts flats opposite would be almost inconsequential as being south of the proposed development means that almost all of the windows assessed face north and therefore not within 90 degrees of south. They are not required to be tested under the BRE guidance.
- 9.63. Gladstone Place dwellings located on the opposite side of Woodvale Crematorium would have had no significant impact on them under the initial scheme due to the separating distance with most windows retaining around 90% of their former values. As a result of the revised proposals, the impact on daylight values has improved to around 95% retention (an actual reduction by 1% VSC). The assessment of sunlight to windows in Gladstone demonstrates that losses of sunlight to windows would comfortably meet the BRE guidance.

- 9.64. The day and sunlight report concludes that on balance, the impact of the proposal upon neighbouring amenities of daylight and sunlight is considered reasonable and equitable for this specific site, especially given this application is effectively a mirror-development proposal to that of Viaduct Lofts opposite.

#### Theoretical scheme

- 9.65. From outset, the applicant carried out an assessment for a theoretical scheme of 4 storeys to mirror the lower part of the Viaduct Lofts development and to demonstrate that such a proposal would still have adverse impacts on previously unobstructed windows.
- 9.66. The theoretical scheme demonstrated that the ground, first and second floors would still lose significant daylight outside of the BRE guidance with the 2<sup>nd</sup> floor performing the best retaining an average of 65 - 70% of former values and actual values of 24-25% VSC. Given that the site is allocated for a mixed residential and employment scheme, this does suggest that a modest policy compliant development would still impact adversely on the flats opposite.
- 9.67. The reduction in height now actually proposed has reflected the theoretical scheme above with regard to the daylight assessment. The improvements in the daylight levels to neighbours would improve but not substantially. The negotiated amendments to the proposals resulting in the reduction by two storeys at the western end to mirror Viaduct Lofts seeks to demonstrate that this development, allowed on appeal, has prejudiced the redevelopment of the constrained application site due to its height and proximity to the public highway.
- 9.68. There is merit in the applicant's stance, that the design of Viaduct Lofts with some single aspect flats having an expectation of daylight has created an inequitable situation which did not consider the future likely impact of redevelopment of the application site. Thus, the applicant considers that a viable redevelopment of this allocated site is not feasible without some impact on the lower floors of Viaduct Lofts.
- 9.69. However, the amendments have resulted in an acceptable impact on the daylight levels to the third floor. More significantly, the main benefit of the height reduction for neighbours would be the reduced impact on their outlook particularly those on the lower floors by reflecting the scale of Viaduct Lofts. The applicant's case that previous development has produced an inequitable prejudice can be more substantiated now that this development would mirror Viaduct Lofts in scale.

#### Daylighting within proposed development

- 9.70. The assessment of the proposed residential units was carried out for the winter and summer seasons since the north facing windows would be seasonally affected by the deciduous tree belt to the crematorium. The first set of revised proposals sought to improve the daylight levels to the proposed units principally by enlarging the north facing windows. Initially, the BRE stated that 3 of the 49 co-living rooms would not meet the BRE guidance measured as Average Daylight Factor (ADF) in winter and 13 would not in summer *if they*

were treated as bedrooms. However as with the application of the BRE guidance for student rooms, a higher standard of daylight is sought by this planning authority for rooms of this nature where they are used as more than just a bedroom.

- 9.71. Adopting the higher standard Average Daylight Factor of 1.5, 14 rooms would not have met the guidance in winter and 27 rooms in summer. This was not considered to be an acceptable pass rate set against the BRE guidance. By focussing attention on the scheme layout and providing larger window openings most high-density schemes particularly of this nature have been required and been capable of achieving the BRE guidance in *at least* 95% of rooms when brought to this committee.
- 9.72. The nature of the scheme now proposes all co-living rooms and within the final submitted revisions, some of the communal rooms have been relocated to the rear (north facing) side of the scheme. One of the benefits of this relocation is to reduce perceived loss of privacy to residents of Viaduct Lofts but a disadvantage to new residents would be that no sunlight is achievable to these north facing rooms.
- 9.73. As a result of the amendments however, all except 5 of the rooms including all of the communal rooms (which all would pass) would meet the minimum Average Daylight Factor guidance of at least 1.5 in winter whilst in summer when the trees are in leaf, there would be 11 rooms just below the minimum figure. The communal rooms would achieve daylight levels comfortably in excess of the minimum guidance due to the very large glazing areas proposed. This represents a percentage figure of 94% in winter and 87% in summer. This represents an improvement from the original scheme by approximately 10% in winter and 20% in summer.
- 9.74. In terms of sunlight assessment to the proposed rooms, the south facing rooms (no.48) have been assessed for summer and winter hours and there would be 4 rooms on the ground floor which would not meet the guidance whilst all rooms on the floors above would meet the guidance representing a 91.6% pass rate which is good. In addition, the roof top terrace would enjoy good levels of sunlight.
- 9.75. The Average Daylight Factor results for this revised scheme demonstrate a very good level of daylighting provision to the proposed habitable rooms within this scheme. In addition, suitable provision is achieved for both sun important rooms (within this multi-unit development with due consideration to site context) and also to the amenity areas.

**Sustainable Transport:**

- 9.76. National and local planning policies seek to promote use of sustainable modes above use of the private car. Policy CP9 directs significant development into sustainable corridors such the DA3 Lewes Road strategic location.
- 9.77. Sustainable measures can be incorporated into the development and the location is well served by public transport with a bus stop at the end of

Melbourne Street on the Lewes Road with direct services to the city centre, the main line station, and points east and west. Whilst there is no parking proposed, this is acceptable as it is not practical on a small-scale, very constrained allocated site, in a high-density location and this approach is similar to other approved developments of this nature on the Lewes Road corridor.

- 9.78. Secure and convenient cycle parking is however proposed within the building for occupiers and visitors. The narrow footways of Melbourne Street would prevent the provision of visitor cycle racks on street. Visitor cycle parking would most likely serve visitors to the employment space within the building would be more secure and more convenient than say, on the Lewes Road.
- 9.79. It is also the case that the site is located within a Controlled Parking Zone and new residents would not be permitted to obtain a resident permit for on street parking. The Highway Authority has requested that new residents would be only be entitled to half of their allocation of visitor permits per annum i.e. 25 and has commented that given the restrictions, to further reduce additional traffic movements. A condition is recommended to be imposed as such.
- 9.80. The very nature of the co-living and co-working concept reduces the need to travel and is sustainable. Amenities proposed within the scheme such as gym, café and laundry areas would further reduce the need to travel outside of the development which would assist in creating and maintaining a sustainable neighbourhood in accordance with Policy SA6 'Sustainable Neighbourhoods' of the City Plan Part One. More so, the site is also located within a very short walking distance from a range of established local facilities and services on the Lewes Road.

#### Loading bay

- 9.81. The proposals originally included opportunities to improve the public realm in front of the building incorporating a shared surface footway/delivery bay. However, this was opposed by the Highway Authority on safety grounds and a delivery/loading bay is now proposed to be on the south side of Melbourne Street. It is considered that the public realm would still be enhanced by this. The street frontage currently comprises a very narrow and worn footway with existing crossovers and opportunities would be taken to provide good quality paving and a wider more accessible footway.
- 9.82. The applicant has proposed a loading bay which would by necessity result in the loss of 2 or 3 on street parking bays. The Highway Authority has commented that the location would be acceptable in principle subject to the approval of a detailed plan and a Traffic Regulation Order (TRO) which would need to be approved prior to commencement of any development on site. As agreed by all parties, this is proposed to be secured by a Grampian condition (a permissible condition covering works off-site).
- 9.83. The development however presents an opportunity to provide a more formal servicing arrangement for the street than exists now. Currently, as referred to in the amenity section of this report, the current motor businesses attracted a

considerable amount of dangerous parking and manoeuvring by customer and delivery vehicles. Vehicles frequently park on the narrow, shallow footways and the unauthorised taking up of shared resident and pay and display parking bays. It is considered that the proposed development is likely to reduce much of this hazardous situation. The nature of the employment element as a small-scale office sharing facility is unlikely to result in many large-scale deliveries. It is considered therefore that the proposals would enhance the public realm and improve safety in accordance with policy TR7 of the Brighton and Hove Local Plan.

#### Overspill parking

- 9.84. The applicant carried out a parking survey of the surrounding streets over 48 hours in February and found that there was available capacity in the vicinity for car parking spaces, which could accommodate overspill parking. The daytime survey demonstrated a parking stress of 83% and therefore 17% capacity; this equates to 19 available spaces in the area. The evening survey showed a 73% parking stress (27% spare capacity) with 123 available spaces. However, The Highways Authority has objected to the scheme on the grounds that scheme would result in residual overspill parking of circa 17-20 spaces (including the loss of the on-street parking spaces to be replaced by necessary loading bay on the south side of Melbourne Street), potentially generated from the visitors of the co-living units and visitors and users of the co-working element. Albeit it is acknowledged by the Highways Authority that there is not expected to be a significant net increase in vehicle trip generation as the scheme is proposed to be car-free.
- 9.85. It should be noted that the co-working element does not necessarily conform to the traditional 9-5 hours of working and provides a more flexible approach and therefore the maximum daytime demand assumed may not be entirely applicable. In addition, the co-living residents' rental package includes the right to use the co-working space and the applicant has argued that a significant number of residents will work within the development. As such, the users of the co-working element deriving from the co-living units would not travel to the site by car, as they would already be in situ. This would further reduce any overspill parking anticipated. In addition, the measures below would further reduce reliance on the private car.

#### Travel Plan

- 9.86. Measures to support the car free development and reduce overspill parking would also be supported through the provision of a Travel Plan for future residents of the co-living units and users of the co-working element further enhancing, promoting and encouraging sustainable modes of transport, through the provision of information and incentives. This can be appropriately secured via condition.

#### Car club

- 9.87. The Highways Authority has advised that "It should be noted that car clubs could be explored as a potential to mitigate any potential overspill parking". As such, the applicant is in the process of joining a local car club and has agreed for this to be secured by S106 agreement to ensure the provision of Car Club

Membership would be provided for each of the future occupiers of the co-living units. This again would account for some of the anticipated overspill car parking.

#### Cycle Storage Provision

- 9.88. In terms of the application of SPD14 (Parking) standards, SPD 14 does not specify this new type of co-living/co-working residential accommodation, therefore the Purpose Built Student Accommodation (PBSA) standard probably is the most applicable. The Highways Authority had objected to the scheme on the grounds that the amount of cycle parking proposed was below the minimum policy requirement of 72 spaces, at the time representing a shortfall of 12 cycle spaces.
- 9.89. Firstly, it should be observed that 64 spaces were initially proposed however, in order to accommodate some spaces for disabled cyclists requested by the Highway Authority, the proposal was initially amended to provide 60 cycle spaces.
- 9.90. Following further comments received from the Highways Authority most recently, the applicant has now also submitted amendments to accommodate policy 72 cycle spaces at basement level through sacrificing storage space. Four additional spaces are also proposed on the ground floor to provide additional visitor cycle parking. These amendments would now provide policy compliant cycle storage with 4 additional spaces on the ground floor, representing a significant contribution towards sustainable travel and reducing the reliance of the car.
- 9.91. The proposed Sheffield stands layout meet the published guidance and provide the majority of provision. The applicant has provided lockers and a drying area and overall the quality of provision complies with adopted guidance. Whilst some minor residual concerns about access remain, it is considered that the cycle parking proposed would safe, secure, convenient and well-lit and would be accordance with policy TR14 of the Brighton and Hove Local Plan. Details of the layout are recommended to be secured by condition.

#### E-Scooters

- 9.92. The applicant has also put forward the potential for e-scooters to be provided on the site. Admittedly their use is currently being reviewed by Government, as such they do not form a part of the proposal. The applicant states that the location of the development close to amenities and within a reasonable scoot distance of the centre and sea-front, along with the attractiveness of this mode to people in their 20s and 30s, means e-scooters are likely to be popular choice for the development's residents. E-scooters fold up and can be stored in bedrooms or the separate store facilities, and are considered by the applicant to be appropriate on this constrained site.

#### Sustainable Transport Contribution

- 9.93. The Highway Authority has requested a contribution of £50,300 towards sustainable transport measures. The applicant has agreed to the contribution which would provide the following:

- Pedestrian footway improvements on but not limited to Melbourne Street and Lewes Road;
- Bus stop improvements on Lewes Road including RTPI; and
- Benches on Lewes Road to improve accessibility.

9.94. This contribution would further assist in enhancing and improving existing facilities to further encourage the use of public transport, reduce overspill parking and would further mitigate the impact of the proposed development.

**Sustainability & Biodiversity:**

9.95. The proposed development would comply with policy CP8 Sustainable Buildings by incorporating and meeting the energy and water targets set out in the policy. The development would achieve BREEAM Excellent in the energy section as well as achieving an overall BREEAM excellent score for the non-residential part of the development. The use of Air Source Heat Pumps (ASHP) technology for the heating has been welcomed by the Council's Sustainability Adviser. The use of photovoltaics and an extensive green roof is also welcomed to enhance biodiversity and reduce run off. From a sustainability perspective, a car free development has been welcomed subject to the highway authority's comments on the potential for additional pressure for on-street parking.

9.96. One benefit of the proposed development from a sustainable perspective is the co-location of living and working accommodation and the commitment that the accommodation costs would cover use of a workspace on the ground floor.

9.97. The sustainability officer has welcomed a car free development along with indoor cycle parking. There were some details sought of the scheme's ventilation strategy, a reduction in air permeability and a site wide water strategy. However, it is considered that these details could be covered by conditions and provided that the development would meet the policy requirements for water and energy saving and BREEAM requirements the proposal would be acceptable. The sustainability officer is supportive of the development proposal.

9.98. The Ecologist raises no objections provided appropriate conditions are imposed to include measures to enhance biodiversity. Conditions are recommended to secure landscaping including a green roof, a sensitive lighting scheme, and provision of bat, bird and bee bricks/boxes and therefore it is considered that policy CP10 has been complied with.

**Conclusion and Planning Balance**

9.99. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out of date planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the harm.

9.100. As noted above, the Council is currently unable to demonstrate a 5 year housing supply and as such the relevant planning policies relating to housing

delivery are considered to be out-of-date and the tilted balance of paragraph 11 must be applied.

- 9.101. The site is allocated for a mix of residential and employment uses under Policy CP3.4 of City Plan Part 1 and the proposal would provide a relatively new format of co-living accommodation for both residential and business users in which occupiers could both live and work in the same building. Government guidance accepts new forms of residential accommodation to suit current demands and the Planning policy team have accepted that this scheme would contribute towards the delivery of housing. Whilst this residential scheme would not automatically generate an affordable housing requirement under the council's current housing strategy, a financial contribution towards off site affordable housing provision has been secured.
- 9.102. The accommodation provides flexible shared managed accommodation on flexible leases with a higher standard of amenities to provide an alternative to working people who might otherwise live in shared houses in multiple-occupation. Occupants would have inclusive access to the workspaces on the ground floor. The retention of the martial arts club/community space is welcomed.
- 9.103. The scale of the development has been reduced in height during considerations to mitigate some of the impacts on neighbouring residents and is considered to fit within the general scale of development around Melbourne Street. The height of Viaduct Lofts at 7 storeys and built to the back edge of the pavement has rendered it difficult to regenerate a very constrained allocated site in a viable way without some impacts most notably on daylight to some neighbours and on the adjacent tree belt in Woodvale Cemetery within the confines of a narrow street. The significant modifications to the scale of the development would also minimise the harm to the setting of the nearest conservation area in key views to an acceptable degree. The applicant has made numerous accommodation and design changes to seek to address those impacts.
- 9.104. The current street is characterised by car repair businesses and other unneighbourly industrial businesses in dilapidated buildings with no planning controls. These have evidently cause long term nuisance and noise to neighbours and highway congestion and danger to pedestrians. The proposed development would have a high quality of architectural design which would enhance the streetscene and provide a more neighbourly and well managed development.
- 9.105. The impact on some trees is regrettable but in the context of the wider tree belt would be less than substantial and would be mitigated by replacement tree planting.
- 9.106. Whilst there are concerns raised by the Highway Authority, most significantly about parking, the development would result in a safer more ordered use of the public highway including a proposed dedicated servicing and loading provision; higher quality footways; and public realm for local residents. A good quantity of



cycle parking provision is proposed which meets the most relevant standard in SPD14. There remains some uncertainty over predicted parking demands for this new concept of co-living/co-working accommodation. The difference in estimates between the applicant's assessment and the Highway Authority's own estimates might impact most on daytime parking demands due to the B1 accommodation and visitors. The B1 accommodation is modest in size with capacity for 40-50. Additionally the flexible nature of the businesses users, who would not necessarily follow 9-5 weekday work patterns, potentially mean that parking demand estimates could be overstated. Notwithstanding this is an allocated site and any viable development would generate a parking demand.

- 9.107. It is considered therefore that, on balance, the benefits of the regeneration of this allocated site would outweigh those elements which are considered to be harmful to greater or lesser degrees and thus the proposal is recommended for approval.

## **10. EQUALITIES**

- 10.1. The proposals would be compliant with those policies related to the provision of accessible homes as well as ensuring that the building would be fully accessible for its users and visitors. A particular benefit of the proposals in terms of enhancing equality of access would be for the martial arts club which is currently not accessible on the first floor of the current building.

### Reasons for refusal if S106 Agreement not signed:

- 10.2. In the event that the Section 106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide a financial contribution towards off site affordable housing provision contrary to policies CP20 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide a financial contribution towards the provision of an Artistic Element required 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.
  3. The proposed development fails to provide a contribution towards Open Space and Recreation contrary to policy CP16 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  4. The proposed development fails to deliver a contribution towards Skills and Employment contribution contrary to Policy CP2 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails to deliver a Skills and Employment Strategy contrary to Policy CP2 and CP7 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a Sustainable Transport contribution and promote sustainable modes of transport contrary to Policies CP7, CP9 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to deliver a contribution towards Arboriculture to mitigate the impact to adjacent trees, contrary with Policies CP7, CP10, CP12, CP15 of the Brighton and Hove City Plan Part One, Policy QD16 of the Brighton and Hove Local Plan and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide free Car Club membership to future residents to reduce the reliance on the private car contrary to the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
9. The proposed development fails to provide a Community Use Agreement to secure part of the development for indoor sporting and community use for the local community contrary to Policy CP17 of the Brighton and Hove City Plan Part One and Policy HO20 of the Brighton and Hove Local Plan.