

<u>No:</u>	BH2020/02289	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5-8 London Road Brighton BN1 4JA		
<u>Proposal:</u>	Demolition of existing building and redevelopment to provide a mixed-use development comprising new retail floorspace (Class A1) and student bedrooms in a building ranging from four to five storeys in height with basement, cycle and ancillary retail storage, with landscaping, public realm works and communal open space. (For information: proposal is for 156no student bed spaces and 453 sqm of retail floor space).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	25.08.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.11.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.05.2021
<u>Agent:</u>	Boyer Planning 2nd Floor 24 Southwark Bridge Road SE1 9HF		
<u>Applicant:</u>	McLaren (London Road) Limited C/O Boyer Planning 2nd Floor 24 Southwark Bridge Road SE1 9HF		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 5 May 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13 of this report:

S106 Heads of Terms

Employment:

- Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- A financial contribution of £15,600 towards the Local Employment Scheme
- Monitoring fee

Student Management Strategy

- A student management plan including a move in/move out strategy.
- Securing that occupants of the development are enrolled at an established higher education establishment within Brighton and Hove with tenancy agreements for the full academic year.

- 24hr security presence strategy to detail number of staff, complaints procedures, management of amenity areas and hours for access gates.

A Residential (PBSA) Travel Plan

Details to Include:

- A travel pack for each new employee/resident
- To offer incentives to each first student from some of the following:
 - Subsidised bus travel season tickets
 - Subsidised rail tickets
 - Two year car club membership
 - Two year Brighton & Hove Bike Share membership
 - Bikeability training
 - £150 voucher towards bicycle
- Maintenance stands for cyclists
- Information on sustainable transport options within marketing sales and recruitment material.
- A notice board displaying information relating to sustainable transport options and travel plan information
- 'Doctor bike services'
- Monitoring and associated fees

Highways Works

Requirement to enter into a s278/38 highway agreement to implement the scheme of highway works approved under the condition 5 (Highway Works) and for the implementation of the works to be completed to the satisfaction of the council as Local Highway Authority prior to first occupation.

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	1951-P-013	C	09 December 2020
Proposed Drawing	1951-P-014	A	09 December 2020
Proposed Drawing	1951-P-015	A	09 December 2020
Proposed Drawing	1951-P-016	A	09 December 2020
Proposed Drawing	1951-P-017	A	09 December 2020
Proposed Drawing	1951-P-018	A	09 December 2020
Proposed Drawing	1951-P-019	A	09 December 2020
Proposed Drawing	1951-P-021	A	25 January 2021
Proposed Drawing	1951-P-030		17 August 2020
Proposed Drawing	1951-P-031	A	25 January 2021
Proposed Drawing	1951-P-032		17 August 2020
Proposed Drawing	1951-P-033	A	25 January 2021
Proposed Drawing	1951-P-034	A	25 January 2021
Proposed Drawing	1951-P-035		17 August 2020
Proposed Drawing	1951-P-036		17 August 2020

Proposed Drawing	1951-P-037		17 August 2020
Proposed Drawing	1951-P-038		17 August 2020
Proposed Drawing	1951-P-039		17 August 2020
Proposed Drawing	1951-P-040		17 August 2020
Location Plan	1951-P-001		17 August 2020
Block Plan	1951-P-002		17 August 2020
Report	20-0858.01		17 August 2020
Report	20813.NIA.01 Rev. B		17 August 2020

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.

Prior to commencement

2. No development, including demolition, shall take place until the Demolition Environmental Management Plan (DEMP) is approved in writing by the Local Planning Authority. The DEMP shall include:
 - (i) The phases of the Proposed Development including the forecasted completion date(s);
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
 - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
 - (iv) A scheme of how the contractors will minimise 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 demolition 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 DEMP.
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.

3. No development, other than demolition, shall take place until the Construction Environmental Management Plan (CEMP) is approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s);
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained;
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme);
- (iv) A scheme of how the contractors will minimise 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.

4. Notwithstanding the submitted plans no development other than demolition shall take place until a general arrangement plan(s) showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority:

- 2 x loading bays on St Peter's Street and Providence Place respectively
- 2 x disabled bays on St Peter's St
- Repaving of footways on St Peter's Street and Providence Place
- Extension of the footway provided along the western boundary to connect to the existing provision to the south.
- Raised platform at the junction of St Peter's Place and Providence Place

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

5. Prior to the commencement of the development all details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

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.

- 6.

- (1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until agreed protection measures are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction – C Arboricultural Method Statement dated 10/12/2019. Protective measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

8. Other than demolition, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of future proofing measures for a connection to a community heating system shall be submitted to and approved in writing by the local planning authority and thereafter retained.

Reason: To support the provision of low and zero carbon technologies including district heating and to accord with policies SS1 and CP8 of the Brighton and Hove City Plan Part One.

9. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

10. No development hereby permitted shall take place until a detailed ventilation strategy demonstrating how and where ventilation will be provided to the residential/student accommodation at first floor level facing onto London Road including details of where the clean air is drawn from has been submitted to and approved in writing by the Local Planning Authority. The scheme be carried out in accordance with the approved details.

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

Above ground floor slab level

11. 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 (including patterned brickwork), render and tiling (including details of the colour of render/paintwork to be used)

- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the PV panel arrangement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a roof plan, cross section, and details of materials. 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 sustainability objectives and the visual amenity of the streetscene in accordance with CP18, CP12 and CP15 of the Brighton and Hove City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction maintenance and irrigation programme of the green roofs/green screens have 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 roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

14. Prior to the first occupation of the development hereby approved a Move In / Move Out Strategy, which details how the moving in and out of students at the start and end of terms will be co-ordinated and managed shall be submitted to and approved in writing by the Local Planning Authority. All student move in and out 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 S10, QD27 and TR7 of the Brighton & Hove Local Plan and CP21 of the City Plan Part One.

15. 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.

No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include a biodiverse green roof, wildlife friendly and the provision of swift and house sparrow boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

16. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities 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 and the Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.

17. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the retail element of the development built has achieved a minimum BREEAM New Construction rating

of 'Very good' and the student element of the development has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificates have been submitted to, and approved in writing by, the Local Planning Authority.

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

Prior to Occupation

18. Prior to occupation of the development hereby permitted, a landscaping scheme specifically for the defensible buffer planting outside of the residential units adjacent to the northern and southern courtyards 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.

Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

19. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries 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.

To be complied with

20. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

21. The development hereby permitted shall not be occupied until the disabled parking facilities shown on the approved plans have been fully implemented and made available for use. The disabled parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

22. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

23. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

24. Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with policy SU3 of the Brighton & Hove Local Plan.

25. Providence Place Gardens shall not be used for the storage of construction materials or machinery associated with the development at any time.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

26. HGV used for the demolition/construction of the site shall meet the euro-VI emission standard (available for vehicles registered after September-2014).
Reason: To minimise NOx and particulate emissions to the established AQMAs during demolition and construction and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
27. The developer shall comply with Stage IIIB of EU directive 97/68/EC for NOx emissions limits from non-mobile construction machinery in accordance with DfT guidance improving air quality emissions from non-road mobile machinery.
Reason: To avoid emission impacts in and around the AQMA and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
28. Other than the balcony areas and terraces identified on the approved plans, access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only, and the flat roofs shall not be used as a roof garden, terrace or patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.
29. Prior to first occupation of the development hereby approved, full details of the proposed external lighting scheme, including lamps proposed for the main entrances on the Southern elevation, are required to be submitted for approval by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.
Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
30. All approved hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
31. The accessible dwelling(s) hereby permitted as detailed on the approved drawings shall be provided as specified.
Reason: To ensure satisfactory provision of homes for people with disabilities to comply with policy HO13 of the Brighton & Hove Local Plan.

32. The landscaping scheme shall be carried out in accordance with the approved scheme in the first planting and seeding season following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
33. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, or damaged in any manner during the development and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
34. The commercial uses hereby permitted shall not be open to customers except between the hours of 06:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. The recommendations as set out in the Acoustic Report 20813.NIA.01 Rev. B carried out by KP Acoustics Ltd shall be implemented prior to first occupation of the development hereby permitted and retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton and Hove Local Plan.
36. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

37. The Party Ceilings, Floors and Walls between the residential units and residential/non-residential shall be designed to achieve airborne and impact sound insulation values of at least 5dB better than that required by Approved Document E performance standards. The residential units should meet the internal noise level standards of BS8233:2014 and World Health Organisation Night Noise Guidelines. The development shall be carried out in accordance with the details.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
38. The Air Source Heat Pumps shall be provided as specified.
Reason: to comply with Policy CP8 (Sustainable buildings) of Brighton & Hove City Plan Part One.
39. Any Ultralow NOx boilers within the development shall have NOx emission rates of <30 mg/kwh.
Reason: To safeguard the amenities of the local residents and minimise air pollution and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.
40. The communal roof terrace amenity spaces hereby approved shall only be used by occupiers between the hours of 7am-9pm Monday-Friday and 8am-10pm on Saturdays and 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.
41. Notwithstanding the approved plans, the residential window panels facing the courtyards shall be provided in obscurely treated glazing below 800mm and shall be retained thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and provide a satisfactory standard of accommodation and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
42. No cables, telecommunications equipment, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans and lightening protection), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
43. The ground floor retail premises hereby permitted shall be used for retail only, which shall mean a use which fell within Use Class E(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and shall be used for no other purpose (including any other purpose in Class E 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 from the use permitted by this condition 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 commercial and office floorspace in the city given the identified shortage, to comply with policy CP3 and DA4 of Brighton & Hove City Plan Part One.

44. The development shall provide for 156 purpose built student accommodation units within buildings of up to 5 storeys in height only.

Reason: To ensure the Local Planning Authority retains control over the density, mix and type of uses within the development and its height, in the interests of retaining sufficient retail floorspace within the Policy DA4 Development Area, and to ensure the character and appearance of the area including wider strategic views and impact to heritage assets are protected, and to ensure the protection of the amenities of the occupiers of existing and proposed properties, to comply with Policies HE3, HE6, HO5, HO13, QD5 and QD27 of the Brighton & Hove Local Plan and DA4, CP1, CP2, CP3, CP12, CP14, CP15 and CP19 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 applicants should be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise from the premises.
3. The applicants are advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

4. The applicants are 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. Trees and scrub are likely to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting birds activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
5. The applicants are advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The applicants are 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
7. The applicants are advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
8. You are advised in accordance with safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes. Please contact The Safety Admin Team at SGN Tel: 0800 912 1722 and the Dig Safely pages on sgn.co.uk
9. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent
10. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
11. 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

- 2.1. The application site relates to a rectangular piece of land totalling 0.18ha located on the western side of London Road, north of Fleet Street (A270). The site comprises a three-storey building however due to the varied floor-to-floor heights, the building reads as four storeys. The building occupies most of the plot, apart from servicing within the plot and parking areas on the periphery. The building has been largely altered; most notably post-1955 with the extension of the building façade to the south. The building has additionally been extended at the rear to provide loading bays in the conversion to multiple retail units, as currently occupied.
- 2.2. The building has a deep floor plan and is currently occupied by three large retail units; Poundland, Iceland and Peacocks providing a retail frontage on London Road
- 2.3. The site is bound to the rear by St Peter's Street to the west and Providence Place to the north. Land levels rise from the east to the west, resulting in the ground floor level at London Road, being basement level on St Peters Street and Providence Place.
- 2.4. The surrounding area is mainly commercial on London Road with a mixture of residential and commercial on St Peters Street and Providence Place. Directly south of the site is a three-storey building occupied by a supermarket. To the north of the site is a single storey retail unit, behind which is a three-storey property containing three flats. To the north-west of the site is Providence Place Gardens; a linear open space which was re-landscaped to add shared surfaces and seating areas several years ago.
- 2.5. Valley Gardens conservation area lies in close proximity to the east. Grade I listed St Bartholomew's Church lies to the north beyond St Bartholomew's church and Grade II listed St Peters Church, lies to the south-east. Other listed buildings include Grade II listed terrace of numbers 1-9 St Peter's Place, containing two separate list entries for numbers 1-3 and 4-9. Outside number 1 St Peter's Place is a pair of K6 telephone kiosks listed Grade II. The site is also situated within an Archaeological Notification Area. The North Laine Conservation Area is located approximately 150 metres to the south of the Site.
- 2.6. The site falls within the London Road Development Area (New England Quarter and London Road Development Area) of the City Plan Part One. The

site also falls within the area covered by SPD10 - London Road Central Masterplan.

3. THE APPLICATION

- 3.1. The proposal seeks permission for the demolition of the existing building and redevelopment to provide a mixed-use development comprising 453sqm new retail floorspace and 156 student bedrooms in a building ranging from four to five storeys in height with basement, cycle and ancillary retail storage, with landscaping, public realm works and communal open space.
- 3.2. The development would be 4 storeys facing London Road and part 4/5 storeys facing St Peters Street with a central spine linking the development.
- 3.3. Ground floor – 453 m2 of flexible retail floorspace to create 1 large or 3 smaller units
- 3.4. Upper floors – 156 units of Purpose Built Student Accommodation (PBSA) comprising:
 - 77 studios
 - 79 cluster flats
- 3.5. A service courtyard would be provided at ground floor (accessed via service lift from Providence Place and access from London Road) providing:
 - Two bike stores (accessed from London Road)
 - A refuse store (emptied and accessed from service lift from Providence Place)
 - A laundry room
 - Toilet and shower facilities
 - Plant room
- 3.6. Cycle and Car Parking:
 - 2 disabled parking spaces
 - 1 loading bay/drop off zone
 - 1 servicing bay
 - 130 cycle spaces
- 3.7. 120 cycle parking spaces will be provided for the student accommodation (104 long stay spaces and 16 visitor spaces)
- 3.8. 10 cycle parking spaces will be provided for the retail floor space (6 long stay spaces and 4 visitor spaces).
- 3.9. The 16 visitor cycle parking spaces for the student accommodation are proposed within the public realm in Providence Place via 8 Sheffield stands.

- 3.10. Visitor cycle parking for retail would utilise 12 existing spaces located on London Road (outside the Aldi site) and provide 4 additional spaces in the form of 2 Sheffield Stands on London Road in front of the site.

Amended Plans

- 3.11. Amended plans were received during the course of the application which make the following minor changes/clarifications:
- Updated tree information
 - Updated Stage 1 RSA and information to address the Highway Authority concerns raised.

Design Changes:

- Removal of seating at student entrance and redesign with stairs only
- Removing the corner column and improving the visual impact of the entrance recess; installing full height glazing with high gloss cladding to the ceiling of the entrance; installing coloured high gloss cladding next to the glazing;
- Installing a new decorative perforated metal screen with squared motifs, with associated feature lighting, that picks up the brickwork theme above (St Bart's inspired)
- Recessed brickwork with dark semi glossed bricks;
- Metal cladding panels with squared motifs to the windows, in place of the recessed brickwork;
- Lighting to draw the eye to the entrance in the evening light;
- Slender vertical signage added above the entrance, which would be sympathetic to the proposed building and to the amenity of neighbouring properties.

4. RELEVANT HISTORY

Date	Key Milestones
12.02.2020	Pre-application 1 submitted - PRE2020-00041 (see details below)
16.04.2020	Design Review Panel 1
28.05.2020	Pre-application 2 submitted - PRE2020/00118 (see details below)
01.07.2020	Design Review Panel 2
17.08.2020	Application submitted
29.12.2020	Amendments submitted following feedback from Transport and Urban Design

4.1. Pre-Application History:

The applicant entered pre-application discussions with BHCC development management department resulting in 2 separate pre- application meetings.

Pre-application 1 (**PRE2020-00041**) issued 13th May 2020

4.2. Response Summary

- The principle of the redevelopment of the site with PBSA development on the upper floors with retail frontage retained at ground floor level is acceptable.
- The current use of the upper floors of the premises for ancillary storage associated with the retail units represents an ineffective use of the large building and the proposed development would provide a more effective and efficient use of the site. Changes to be made to the scheme are summarised as follows:
 - Removal of basement accommodation
 - Utilise basement for plant, bike storage, storage and shop floor
 - See how the Aldi site would assimilate
 - Cluster rooms should achieve 1.5 ADF
 - Studios should achieve minimum of 2.0 ADF
 - Provision of additional amenity space at higher levels
 - Quality of courtyard provision should be assessed consideration to the roof line and parapet
 - Provision of good quality integrated shopfronts
 - A larger more prominent entrance for PBSA

Pre-application 2 (ref: **PRE2020/00118**) issued 5th August 2020

4.3. Changes made from 1st pre-app

- Retail floorspace has increased from 427 m²
- Service area has been rationalised
- Central spine moved northwards
- Internal layout changes
- Southern courtyard has increased m²
- Northern courtyard has reduced in m² and raised to first floor level
- Relocation of student entrance to north-west corner
- Provision of linked internal student spaces
- Elevational changes
- Massing changes

4.4. Response Summary

- The principle of the development on the site is acceptable (Purpose built student accommodation on the upper floors and retention of retail on the ground floor) and would provide much needed student accommodation within the City; and retail space.
- Generally, the proposals have developed well in line with DRP and LPA recommendations.
- The proposals appear to have an acceptable impact on nearby Heritage Assets.
- Consideration of the design elements mentioned in the Urban Design Comments appended should be taken into account.
- The amenities of future occupiers should be further considered.
- Increased internal amenity space is required on the site for future occupiers.

4.5. Design Review Panel(s)

The applicants attended 2 separate Design Review Panels between x and seek to address of the key and detailed considerations.

Summary of feedback:

4.6. 1st Design Review Panel, response dated 16th April 2020:

“This proposal was presented in a clear and considered way, and the team are commended for bringing their work to review at an early stage, enabling a constructive conversation. We welcome a second review.

The team are commended on their thoughtful approach to placemaking which has demonstrated good understanding of the wider context leading to a proposal that appears to positively contribute to the local townscape.

While there are no significant concerns with the scale and mass, a considerable amount of design work is still needed to refine the scheme into one that provides a good place to live for occupants and responds architecturally to its high-street location”.

1. *Verified views are required to affirm the positive contribution to the townscape which until now has been demonstrated through illustrative drawings.*
2. *The plan layout must be the focus moving forward. It requires reorganisation, particularly at lower levels, to create better shared space with positive connections between them. Design emphasis on a shared stair may help with this.*
3. *Levels are key. The interface between the proposal and the western edge with the public realm, as well as between internal spaces and the courtyards, should be refined and key spaces activated. Detailed sections are required.*

4.7. 2nd Design Review Panel, response dated 1st July 2020:

“We are pleased to support the revised form and mass of the proposal, however, have a number of suggestions to further improve the architectural language and the internal configuration of the scheme”.

1. *Develop and refine the elevations through a simplified and clear, detailed material palette, focusing particularly on the London Road façade, as well as the relationship and hierarchy between the St Peter’s Street and Providence Place façades.*

2. *Incorporate three distinct retail bays as the default option, allowing for sufficient servicing and access as well as coordinated elevations on to London Road.*
3. *Introduce a managed, 4th floor roof terrace on the north-western corner overlooking Providence Place, simultaneously rationalising the brickwork and massing viewable from the street below.*
4. *Reconfigure the ground and first floor layouts around the western staircase to allow a stronger spatial and visual connection between the student reception and the southern courtyard.*
5. *Ensure that the landscape arrangement of the southern courtyard responds appropriately to solar and environmental comfort, accommodating both private and communal leisure and learning activities suited to student use.*
6. *Explore options to maximise fresh air to northern service court.*
7. *Refine and improve sustainability and environmental strategies, possibly including bio-solar roofs, on-site SUDs solutions and improved biodiversity both within courtyards and the public realm.*

4.8. Pre-application presentation to Planning Committee

The applicant sought to attend a pre-application presentation to the Planning Committee Members, however given circumstances surrounding Covid-19 potential meeting dates were not available.

Planning Applications

The application site:

- 4.9. **BH2013/00824** – Installation of new shop front. Approved 07.05.2013.
 - 4.10. **BH2013/00825** – Display of internally illuminated fascia and projecting signs. Approved 03.05.2013.
 - 4.11. **BH2012/02745** - Display of internally illuminated fascia and hanging signs to front elevation and non-illuminated fascia sign to side elevation. Approved 06.11.2012
 - 4.12. **BH2012/03325** - Display of internally illuminated fascia and projecting signs. Approved 10.12.2012.
- Surrounding developments:
- 4.13. **BH2021/00012** - Erection of additional 2no storeys to create 4no studio flats (C3) and associated works including extension fronting Providence Place. Under Consideration.

- 4.14. **BH2018/02699** - Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof, 118-132 London Road, BN1 4JH (CO-OP Site). Approved 09.08.2019
- 4.15. **BH2018/02607** - Hybrid planning application comprising: Full Planning application Site A (West of Pelham Street): External alterations and internal refurbishment to the existing college building and redevelopment of the existing car park to provide 3 storey extensions to the existing college (D1 use), disabled parking spaces with new vehicular access, cycle parking spaces, open space and landscaping. Outline Application Site B (East of Pelham Street): Demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at maximum 6 storeys with associated new and relocated vehicular accesses, car and cycle parking (with all matters reserved except access, external layout and scale, Pelham Street. Approved 27.03.2019.
- 4.16. **BH2020/00550** - Reserved matters application pursuant to outline permission BH2018/02607 for approval of appearance, internal layout and landscaping relating to 135 new residential units at Site B (East of Pelham Street), Pelham street. Pending decision.
- 4.17. Statement of Community Involvement
 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:
- A website was produced
 - A virtual public exhibition 6th July 2020 presentation and provided an opportunity for questions and answers. Invites via a leaflets to 3289 homes and business within 0.21 miles of the site Also included a feedback form.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters have been received from adjoining occupiers objecting to the proposed development for the following reasons:

Amenity

- Creation of a large shadow over the park as the sun comes from the south and the park is towards the north.
- Building height will cover the small green area in shade for the entire morning during winter and also at other times. Limited alternative parks
- It will obscure views of the sky due to the increase in height of the building and the narrow pavement
- The park will be in eternal darkness during the winter months

- Extreme Distress to the present neighbours which arises due to the noise and the pollution from the demolition process which involves heavy earth moving machinery and causing severe noise and pollution within the area
- There have been many noisy developments here recently and the low income residents need a break from the noise (noise has negative implications for health)
- Disruption the Day to day living of the Residents and effect the people mental and well-being.
- Disruption to sleeping times as everyone has their own pattern of sleeping and it's not 6pm to 8am.

PBSA

- It is likely, especially with the thousands of new student dwellings at the university and on Lewes Road, the developers will soon apply for change of use
- The area has too many students already who, at such a number, do not add to the community and increase the amount of antisocial behaviour such as drinking and creating late night noise (already a problem)

Design/Appearance

- The destruction of the 1930's facade would be a real loss to the look and feel of London Road
- London Road is nearly all made up of victorian and art-deco buildings and really works as a whole
- The success of keeping the facade of the large old Co Op building showed how a site could be changed for modern use but still keep its external character
- The council and many in Brighton have worked hard to improve London Road and it is an on-going work and it is maybe because of the improvements that developers are attracted to the area.

Air Quality

- The air quality assessment does not compare the building to the previous land use
- The building frontage should be set back to allow for more people to pass on the pavement and also avoid pollution canyon effect
- Deliveries, maintenance vehicles, buses and taxis are the main reason for the high level of pollution on that stretch of road. Students will contribute to those sources just as much as any other resident.
- The pollution increased from 2018 to 2019 for the closest diffusion tube and stands at 55% over legal levels.
- At 55% above legal levels COMEAP (the most respected report on air quality and health) predicts that on average the pollution in this location will reduce life expectance by 1.5 years.
- the air quality assessment does not prove that this site will have a lower pollution footprint compared to the previous.

- Air quality assessment is incorrectly made and it confirms pollution will increase with this development.
- Area pollution in 2019 is 55% over legal levels and against LAQM air pollution targets.
- The building exposes more people to this pollution and increases the pollution.
- There should be no additional housing at a location that is exposed to such high levels of pollution (students or otherwise)

Other considerations

- It will damage the community more than what is bringing good.
- The drawings supplied in the application are not sufficient in detail; the text is unreadable.

5.2. **Four (4)** letters has been received from adjoining occupiers supporting the proposed development for the following reasons:

Design

- Sympathetic design which adds greatly to the frontage of London Road retaining quality retail space
- The design fits in with both London Road and historic St Bartholomew's Church and its surrounds
- This looks like a good proposal to redevelop this particular plot of land with something attractive and well thought through. I think this development would enhance and compliment the surrounding area.

PBSA

- provides much needed purpose built student accommodation which will be
- attractive to students from Sussex, BIMM and Brighton together with the significant number of language schools operating in Brighton, all who bring significant revenue into the City
- Students are needed to bring vibrancy and revenue to this City: they spend in shops etc. as do their families who come to visit them. From what I see in this area they are NOT the ones who are responsible for excessive drinking and noise

Public Realm

- This particular plot is in dire need of regeneration and I'm pleased to see this is happening in Elder Place and Providence Place.
- The current plot is ugly, run-down, defaced and used for antisocial activities.
- Providence Place Green is currently full of litter and anti-social behaviour including drug dealing. The proposed student entrance will be glass and face the green with security who will have a good view of what is happening.

Amenity

- To those who are upset about the noise of demolition and building: yes, this is unpleasant there are planned areas for green terraces which, it is

proposed, will be locked at 9pm for those who are worried about noise and drinking.

- Should we keep ugly, badly planned, dirty buildings whose doorways contribute to antisocial problems in place because of temporary noise and inconvenience or should we look to the future with new, purpose-built, mixed use buildings of interesting design where thought has been given to the different needs of residents and traders? The bigger picture is one where, after due consultation with all concerned parties, a cleaner, brighter, more appropriate building will enhance the area for all.

5.3. Letter from the **Local Area Action Team** in support:

“The design and development team gave a presentation to the London Road Area Local Action Team (LAT) meeting on 8th September 2020. This was an agenda item and there were Q&A. This comment reflects the general positive feeling of the meeting in response to the presentation.

The site adjoins and overlooks Providence Place Park - which was the subject of a detailed improvement programme in which the LAT was an enthusiastic and involved participant. The architect was clearly aware of the issues and potential of the immediate area - and the design clearly reflected that concern. Should the development go ahead it will certainly be an improvement in this regard.

Residents of Providence Place lofts were very enthusiastic about the scheme for similar reasons.

The sympathetic architectural recognition of St Bartholomew's church was appreciated. The presenters were asked questions about: effect on air quality, the numbers of students, the rental costs, the noise from the roof terrace (an evening curfew would be in place), the degree to which local policing issues had been consulted upon, whether the development would be truly "car-free". The presentation team assured the LAT meeting that they would (a) honour all promises concerning "green" specifications of the building (b) maintain good links with the LAT and community in the future.

Some concerns have been expressed (at other LAT meetings) about the sustainability of developments that count on students always wanting to come to Brighton in future years. The LAT would also request that, should this application be granted, good links with the community be sought by Council Officers in regard to Section 106 (or CIL equivalent) monies and their disbursement for Public Realm improvements.

5.4. **Councillor's comments:** A copy of the representation from **Councillor Pete West** is attached.

6. **CONSULTATIONS**

External

- 6.1. Brighton and Hove Archaeological Society: No comment
- 6.2. **CCG:** No comment
- 6.3. **Conservation Advisory Group:** No objection
The Group recommended **APPROVAL** with one abstention, and added the following comment;
- The removal of the existing structure will result in a better building which will reverse the negative impact of the present building has on the hereby heritage assets, in particular the Grade I St. Bartholomew's Church.
- 6.4. **County Archaeologist:** No objection
It is unlikely that any significant archaeological remains are likely to be affected by these proposals. No further recommendations to make in this instance.
- 6.5. **County Ecologist:** No objection
In summary, provided the recommended appropriate mitigation, compensation and enhancement including an ecological design strategy to secure a biodiverse green roof and birdboxes are implemented, the proposed development can be supported from an ecological perspective.
- 6.6. **Environment Agency:** No comment.
- 6.7. **Sussex Police:**
From a crime prevention perspective concerns were raised regarding the shared service courtyard which will provide access to two bike stores, a refuse store, a laundry room, toilet and shower facilities and the plant room. This area has the potential to cause conflict between the student and retail element of this development.
- 6.8. However, having consulted at length with the architect of this development, it is considered that conflict within this area will be minimal.
- 6.9. In order to safeguard the users of this area it is recommended that gating in situ is installed either end of the courtyard allows natural surveillance and thought being given to the siting of CCTV and lighting.
- 6.10. **Scotia Gas Networks:** Comment
There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Hand dug trial holes should be used where required.
- 6.11. **Southern Water:** Comment
The proposed development will lie over an existing public sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

6.12. **SSE:** Comment
Whilst SSE Utility Solutions Ltd may have assets in the wider vicinity, there are no records of any owned apparatus within the vicinity of the site.

6.13. **UK Power Networks:** Comment
Details of the location of UKPN equipment in relation to the site has been provided.

Internal

6.14. **Arboriculture:**
There are no trees located within the proposed development, however two off site local authority maintained trees are in proximity to the proposal.

6.15. Formal tree protection measures will not be necessary; however conditions should ensure that Providence Place Gardens is not used for the storage of materials, nor as a staging area at any time.

6.16. Conditions securing tree protection methods to off-site trees during demolition and construction are required.

6.17. **Air Quality:** Comment
Summary of Comments Recommend Approval with Conditions excepting:

1. Auxiliary diesel generator
2. Gas fired boiler with flue emissions on top of fifth floor roof

Ventilation strategy

3. First floor bedrooms facing London Road shall require air intakes from the rear (west) roof of the development plot or shall be hermetically sealed from the London Road

6.18. **City Parks:** No comment

6.19. **Economic Development:** Comment
City Regeneration has no adverse comments regarding this application as retail facilities will be provided under the new scheme and is welcomed by Economic Development.

6.20. As per the Planning Authority's Technical Guidance for Developer Contributions a sum of £15,600 is required in addition an Employment & Training Strategies respect of both the demolition and construction should be secured via s106 agreement.

6.21. **Environmental Health:** No objection
The use of non-site-specific noise data is acceptable due to current conditions. The report submitted in respect of contaminated land is acceptable.

- 6.22. A DEMP and CEMP should be required by condition.
- 6.23. **Heritage:** Approve with Conditions:
The submitted heritage assessment is considered to be comprehensive with regard to the various heritage assets that could potentially be impacted by the proposals and the way in which the heritage assessment has helped to then inform the proposals is very much welcomed.
- 6.24. The scale and massing of the proposal is generally considered to be appropriate from a heritage perspective and it is welcomed that the London Road frontage would remain the same height.
- 6.25. Details of materials, including the patterned brickwork, should be secured by condition.
- 6.26. **Percentage for Art:** Comment
The net gain in this instance would not generate a sufficient sum taking into account the associated commissioning, artist fees and installation costs. No contribution shall be sought.
- 6.27. **Planning Policy:** Support
The principle of the redevelopment of the site with PBSA development on upper floors with retail frontage is retained at ground floor level is acceptable and would provide a more effective and efficient use of the site whilst assisting in the regeneration of the wider London Road area.
- 6.28. **Private Sector Housing:** Comment
In studio units a sleeping person should not have to pass through the kitchen/cooking area in order exit the flat in the event of fire.
- 6.29. Poor layout within a unit of accommodation can present a fire risk to the occupant before he or she is able to reach the escape route. Ideally, sleeping areas should be closer to the exit door to the accommodation than the living area or kitchen/cooking facilities.
- 6.30. **Sustainable Drainage:** No objection
No objections subject to conditions to secure detailed design of the surface water drainage system before construction.
- 6.31. **Sustainable Transport:** Initial Comment – Objection
Objections raised due to lack of information regarding delivery and servicing, collision data, RSA concerns, cycle parking, disabled parking and trip generation methodology.
- Second Comment – Objection
- 6.32. Objections raised due to collision data information, delivery and servicing survey data, RSA concerns, cycle parking and disabled parking.

Third Comment – Objection

- 6.33. Objections raised due delivery and servicing forecasting methodology, RSA and highways works, disabled access disabled parking and cycle parking.

Fourth Comment - Comment

- 6.34. Concerns relating to the highways works can be dealt with via planning obligation, concerns relating to cycle parking remain but do not amount to an objection.

- 6.35. Satisfied that the two proposed loading bays are sufficient to accommodate the proposed demand.

6.36. **Sustainability Team: Support**

It is recommended that this application be approved. The requirement to achieve water efficiency of 110 litres /person / day should be secured by condition. The ASHP heating and hot water proposals may be secured by condition. Provision should be made for connection to a future heat network.

6.37. **Urban Design: Initial Comment - Support/Seek Amendments**

The scheme has progressed well through two Design Review Panel (DRP) sessions and supplementary urban design comment from the LPA and has addressed the majority of recommendations successfully.

- 6.38. The proposals are generally supported. However, some concerns remain with regard to:

- Diversity and quality / health of planting to courtyard spaces and rooftops;
- Solar and environmental comfort, scope for privacy, functionality and potential
- for overlooking of bedroom in the primary courtyard space;
- The contribution of the student entrance to public realm and sociability;
- An architectural form against St. Peter's Street and Providence Place which appears to be dictated by massing considerations rather than respond to them;
- Servicing of retail units if divided into three;
- Natural daylight levels to corridors;
- A reduced sense of privacy, security and ownership to bedrooms fronting onto the primary shared courtyard;
- A poor visual and physical connection between student lounge and reception areas and the southern courtyard;
- Elevational composition

Second Comment - Support/Seek Amendments

- 6.39. Design proposals have progressed through a lengthy pre-application process including two external design review panel sessions. The applicant has shown a willingness to work collaboratively and adaptively to address concerns and

recommendations raised at pre-application stage and have continued to engage with the LPA to address urban design comments post application.

- 6.40. Proposals are very well received. Thorough contextual analysis has informed a robust site strategy and development vision with regard to townscape, heritage assets and visual character. These attributes, along with site layout, public realm and landscape, when considered holistically, present a high-quality design solution which can be supported.
- 6.41. However, there are some concerns and recommendations which can be summarised as follows:
- A lack of proposed urban greening to London Road is disappointing;
 - Student bedrooms which face onto the south courtyard may suffer from noise disturbance and reduced privacy, security and outlook;
 - Whilst the visual connection between entry lobby / lounge spaces and the primary stair leading down to the south courtyard is strong and dynamic, the access to the courtyard is small and constrained and obstructs this otherwise strong design attribute;
 - Elevational composition could more positively address the stepped built form of the north-west corner.
 - These concerns do not amount to reason for objection, but the applicant is encouraged to address them in order to attain the highest possible quality of design.

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 JAAP (adopted October 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 One:

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road Area
SA6	Sustainable Neighbourhoods
CP2	Sustainable economic development
CP4	Retail provision
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
CP16	Open space
CP18	Healthy city
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability]
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affective the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites
SU3	Water resources and their quality
SU5	Surface water and foul sewerage disposal infrastructure

Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD10	London Road Central Masterplan (2009).
SPD11	Nature Conservation & Development

Further Guidance:

9. CONSIDERATION & ASSESSMENT

Executive Summary

- 9.1. The main considerations in the determination of this application relate to the principle of the development including the loss of the existing retail unit, the impact of the development on the character and appearance of the area, neighbouring amenity, sustainable transport impacts and contribution to other objectives of the development plan. The principle of development is considered acceptable as it would deliver much needed additional student accommodation and upgraded retail space at an acceptable density within a sustainable location in need of regeneration whilst respecting nearby heritage assets and neighbouring amenity.

Planning Policy Context and Principle of Development

- 9.2. The site falls within the London Road Development Area as set out in Policy DA4 of the City Plan Part One. Priority 2 for the area seeks to manage, enhance and consolidate the existing retail provision within the defined prime frontage of London Road Town Centre whilst retaining key retail sites to maintain the area as a shopping destination. This site is considered to be a key retail site and it is therefore important that the redevelopment does not compromise the site's ability to attract and retain high profile retail occupiers. Priority 3 seeks to working with landowners and traders to secure the redevelopment/refurbishment of key retail sites along London Road.
- 9.3. The site also falls within the London Road Central Masterplan area covered by SPD10. The document sets out a number of principles, including improvements to the public realm and the provision of mixed-use developments with active frontages.
- 9.4. The proposal includes the demolition of all buildings on the site and the erection of a new building comprising retail at ground floor level and purpose built student accommodation (PBSA) above. The existing building comprises three retail units with ancillary storage and office space to the rear and upper floors with a total gross internal floor area of 3151sqm. The principle of such a development and the relevant policies are considered in detail below.

Loss of Existing Uses/Retail provision

- 9.5. The site is located within the London Road Town Centre identified in City Plan Policy CP4 and saved Local Plan Policy SR5. SR5 seeks to protect retail frontages within defined centres in order to ensure vibrancy and pedestrian footfall with the area. Paragraph 3.50 states that the priority for the shopping area is to enhance and consolidate the existing retail provision within London Road shopping centre and improve the physical environment. The site forms part of the primary retail frontage of London Road Town Centre and currently

hosts three national chain stores, indicating that there is demand in this location for that type of store.

- 9.6. The applicant has submitted a Retail impact Assessment which demonstrates that the London Road Town Centre has a good footfall with vacancy rates below the national average. There is a good mix of retail offer. As such the importance of maintaining the retail frontage and units at ground floor would enable the continuation of a thriving retail frontage.
- 9.7. The proposed development includes 456sqm of retail provision which equates to a total loss of internal retail floorspace of 2697.9sqm. The majority of the existing floorspace is however set to the rear and within the upper levels and compromises ancillary retail storage and office space. The proposal would maintain a full width A1 use at ground floor level and would be flexible as it could be suitable for either one occupier or subdivided into three units, dependant on the requirements of the occupier. This would ensure that an active frontage is retained along the Prime Retail Frontage, in accordance with policy SR5.
- 9.8. The applicant has provided marketing evidence for the retail units in their current condition which indicates little interest due to the size, floorplans and the current quality of the building. The marketing exercise gained interest from restaurant uses and general feedback was given that there is a demand for smaller units with greater flexibility within the area.
- 9.9. Furthermore, the applicant has instructed their retail agent to approach retailers to test if the proposed space is designed in a way that would be attractive to them should they have a requirement in London Road. The responses indicate that the space would be attractive.
- 9.10. The loss of some retail floorspace does not raise significant objections as the key policy objective is to retain the retain frontage, which the current proposals would achieve, whilst also upgrading the building and improving the vibrancy and visual quality of the area. Additionally, it is considered that sufficient space is retained to enable a retail outlet to function, with sufficient flexibility for staff facilities, access to staff cycle parking and sufficient provision for serving and deliveries. The public realm improvements to the rear and the provision of the entrance to the proposed student accommodation would also help to introduce a secondary level of activity and frontage at ground floor level along rear and side streets around London Road, which are currently in a poor state.
- 9.11. The Council's Economic development support the development and have indicated that the proposal enhances this area of London Road and will offer retail space of a superior standard. The Planning Policy team are also in support of the proposal.
- 9.12. The development would also replace a dated inefficient building with a new high quality mixed use building, which would also help to meet the policy

objectives of improving the urban realm. Overall, the proposed development would assist in the regeneration of this section of London Road, would be in broad conformity with the principles of DA4, SPD10, CP4 and would meet the requirements of SR5.

Purpose Built Student Accommodation (PBSA):

- 9.13. The student element of the proposal would provide 156 student bed spaces located within a central location.
- 9.14. Policy CP21 demonstrates the Council's commitment to increasing accommodation demands from students and to create mixed, healthy and inclusive communities. As such the Council will support the provision of additional purpose built accommodation, on the basis that the following criteria are met:
1. There is no undue impact on residential amenity
 2. High density only where it is compatible with the landscape
 3. The site is within a sustainable transport corridor
 4. There is no unacceptable increase in on street parking
 5. It is safe and secure for occupants
 6. A formal agreement with one of the universities is entered into
 7. The site is not allocated for housing development/extant permission or residential
- 9.15. Criteria 1 (residential amenity), 2 (density), 4 (impact on parking) and 5 (security) are considered in detail within the body of this report. The remaining criteria are considered below.
- 9.16. The site is well-located for PBSA, being situated on London Road close to sustainable transport connections to the university campuses at Falmer and Mouselcoomb (criterion 3).
- 9.17. Criteria 6 states that applicants should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton and Hove. The Planning Statement states that the applicant has received positive feedback with both the University of Sussex and University of Brighton in addition to other higher educational establishments, however no formal agreement for occupation has been secured. It is therefore recommended that a legal agreement restricting occupation of the development to students of these institutions, or others currently located in Brighton & Hove, is entered into.
- 9.18. Criteria 7 states that PBSA will not be supported on sites allocated for housing or with potential for housing. The application site does not fall into these categories and there is therefore no objection in this regard.
- 9.19. Draft City Plan Part Two Policy DM8 also relates to PBSA. 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. The policies provide

an indication of the direction of travel within policy aspirations for the city. 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.

- 9.20. Draft Policy DM8 is intended to supplement adopted policy CP10 and requires purpose-built student accommodation to provide the following:
- a) Predominantly cluster units
 - b) Sufficient sized bedrooms (for living and studying)
 - c) Communal living space, cooking and bathroom facilities (commensurate in size to the number of occupants)
 - d) Acceptable daylighting
 - e) No cars
 - f) 24-security presence
 - g) Tenancy agreements for the full academic year
- 9.21. Criterion (a) of this policy requires PBSA developments to incorporate predominantly cluster flats on order to provide more affordable accommodation. The accommodation mix comprises a mix of 77 studios and 79 cluster flats, which is considered to be an appropriate mix.
- 9.22. The cluster flats will be grouped into 5-8 bedrooms with shared kitchen/living space that would exceed 4sqm floorspace per student. The room sizes would range from 13.5sqm to 14.8sqm which is sufficient and comparable with other schemes recently approved in the city.
- 9.23. The studios and accessible room sizes range between 17.5sqm and 26.5sqm which is considered acceptable. Each studio would provide sufficient living facilities including a kitchenette area, a double bed, a desk area and an ensuite shower room. As such criterion (b) and (c) of DM8 are satisfied.
- 9.24. In terms of light levels, the application has been submitted with a daylight and sunlight assessment which provides details of the light levels within the proposed rooms. For dwellings, the BRE standard is minimum 1% for bedrooms, 1.5% for living rooms, and 2% for kitchens. There are no guidelines for student rooms, but it is considered that they should achieve a minimum ADF of 1.5%, given that the rooms are used for studying and not just sleeping. Ideally, studio rooms should achieve 2%, given that students would be expected to spend longer in these rooms which have also have a seating area and kitchen facilities.
- 9.25. The proposed PBSA achieves a 95% compliance with the 1.5% ADF guideline (162 out of the 170 rooms) and 77% (131 out of the 170 rooms) would achieve 2% ADF. A number of rooms would also exceed 2% ADF. The remaining rooms achieve 1% ADF. Whilst it would be preferable for the all rooms to achieve at least 2% it is acknowledged that this is not always possible in central location, particularly when making efficient use of the site. As a whole, the light

levels are considered satisfactory and comparable to recent schemes such as the nearby Co-op site (ref: **BH2018/02699**), where a 94% compliance with the 1.5% ADF level was considered acceptable.

- 9.26. Generous communal amenity areas provide opportunities for study, socialising, group dining and general amenity, as follows:
- External
 - Southern courtyard 250.2 m²
 - Northern courtyard 113.5 m²
 - 4th floor roof terrace 52.8 m²
 - Internal
 - Student lounge and reception area 85.7m²
 - 4th floor seating communal area 14.2m²
- 9.27. Concerns have been raised by the Urban Design Officer regarding the 9 student rooms fronting the southern courtyard at ground level due to potential for noise impact and general disturbance associated with the use of the courtyard. As mitigation, the rooms facing courtyards have raised cill levels, to allow for a deep planter and to improve privacy and act as a landscape buffer to provide defensible space. Whilst this is not an ideal solution, as the outlook of these rooms would be somewhat compromised, it is considered an acceptable compromise as adequate light levels can still be achieved for the majority of rooms.
- 9.28. Additionally, all student room windows provide for opaque glazing to their lower panes that are below 800mm and all ground and first floor bedrooms will include a semi-transparent film thereby ensuring all student rooms have good levels of privacy. It is proposed that these measures be secured by condition.
- 9.29. Overall, it is considered that proposed PBSA in an acceptable primary use for the site. The development would provide high-quality and modern accommodation catering for a range of needs within a sustainable location, in accordance with Policy CP21 of the CPP1 and emerging Policy DM8 of the draft CPP2.

Design and Appearance:

- 9.30. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 9.31. Policy CP12 on urban design states that development should comply with certain criteria. The key points are set out below:
- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction

- 9.32. As set out above, the proposal would involve the demolition of the existing building and the construction of a replacement building fronting onto both London Road and St Peter's Street. The building would have two clear functions with the retail element within ground floor fronting onto London Road and the student accommodation set above and within the remainder of the building. The façade fronting onto London Road would be four storeys in height and would be of similar proportions to that of the existing building. A full width shopfront with glazing and a fascia board would be provided at street level and the upper levels would be finished in a mixture of reconstituted stone and brick with recessed panels.
- 9.33. The building would step up to five storeys as it extends to the middle of the site, with a continuation of the brick and inset panels. To the rear of the site, fronting on St Peter's street, the building would follow the topography of the land, stepping up again. Whilst this reads as six storeys on the London Road elevations, the building would be five storeys on St Peter's street with a basement level below. The upper levels on St Peter's Street would be stepped and include panels of feature brickwork in order to break up this element of the building. The north-west corner of the building would comprise the entrance to the student accommodation and would be finished in a contrast brown brick to create a clear entrance and focal point within the streetscene.
- 9.34. The central wing of the building would join the two facades together and would include external spaces to either side allowing for breathing room on the site whilst creating good quality amenity space for future occupiers of the building. The ground level (below ground on St Peter's Street) would contain the plant room, bin store, cycle storage and service court in addition to 9 studios fronting onto the courtyard.
- 9.35. It is considered that the proposed shopfronts provide for a high-quality integrated approach which is welcomed and would be a significant improvement in comparison to the existing building. Furthermore, the main entrance to student accommodation north-west corner of the site addresses both Providence Place and St Peter' Street and provides activity in this area.
- 9.36. In terms of scale and massing it is considered that the building would be effectively accommodated in the streetscene and would be in keeping with the prevailing heights of buildings within the vicinity. The height of the building is not dissimilar to existing building and due to the number of setbacks at upper levels, the building would pay respect and maintain strategic and sensitive views from local vantage points.
- 9.37. It is considered that each of the facades would effectively address their respective streets and present a cohesive approach. The proposal is considered to be a significant improvement over the existing rear elevation which is stark and harsh in appearance due to the lack of fenestration and features.

- 9.38. In terms of detailing and materiality, the proposed finish of the building is considered high quality and contextually appropriate. Both the Heritage and Urban Design Officers note that the materials would contribute positively to the surrounding streetscene whilst paying respect to the local vernacular.
- 9.39. The Urban Design Officer has worked closely with the applicant to achieve a high-quality scheme within this prominent site. The Urban Design Officer acknowledges the applicant's willingness to work collaboratively and adaptively to address concerns and recommendations raised at the pre-application stage.

Design Review Panel Process

- 9.40. The applicant attended 2 separate design review panel sessions which resulted in altering the massing, scale, height and landscaping throughout the site. Combined with the main key requests from the pre-application discussions with the LPA the following design provisions were made:
- Provision of a roof terrace
 - Changes made from 1st pre-app
 - Elevational changes
 - Massing changes
 - Service area has been rationalised
 - Central spine moved northwards
 - Internal layout changes
 - Southern courtyard has increased m2
 - Northern courtyard has reduced in m2 and raised to first floor level
 - Relocation of student entrance to north-west corner
- 9.41. The Design Review Panel queried the potential detrimental impact on environmental comfort if the Aldi site was to be developed in the future. The Design Panel suggested a combined single courtyard on the south side in anticipation of enabling a symmetrical footprint of development on the Aldi site. At a later stage within the pre-application, the applicant demonstrated that the proposed development and Aldi site would not be compromised by either site developing first and was deemed appropriate by the Urban Design Officer and the Design Review Panel.
- 9.42. Concerns and recommendations raised by the Urban Design Officer have been responded to positively during the assessment of the proposal including; extending the stone banding at ground floor level to first floor sill level, improving the visual impact of the entrance recess, installing full height glazing and high gloss cladding, installing additional decorative detailing to the elevations, revised brickwork, revised fenestration, revised lighting and the introduction of slender vertical signage above the student accommodation entrance.
- 9.43. Further changes were requested by the Urban Design Officer, including further urban greening to London Road, improved access to the central courtyard and the potential to improve the elevational composition of the stepped north-west

corner of the building. It must be noted however that the Urban Design Officer is in support of the scheme and considers it to be of high quality and that these additional suggestions were made in order to attain the highest possible design quality. The additional recommendations are noted, however, when considered holistically, and taking account of the amendments that the developer has already made, the overall scheme is considered acceptable.

- 9.44. Overall, the proposal presents a thorough contextual analysis of the site and surrounding area with a clear site strategy and development vision with regard to townscape, heritage assets and visual character. As a result, the proposed building can be accommodated comfortably within this context and would pay respect to neighbouring developments and heritage assets. The development and would provide a high quality building within an area in need of regeneration and would assist in creating a sense of place, in accordance with City Plan Part One Policy CP12.

Heritage:

- 9.45. Policy CP15 specifically relates to protection and enhancement of heritage assets and the city's aim to conserve and enhance the historic environment will be in accordance with its identified significance, giving the greatest weight to designated heritage assets and their setting.
- 9.46. Saved Policy HE6 of the Local Plan advises that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show. Policy HE3 of the Local Plan states that development will not be permitted where it would have an adverse impact on the setting of a listed building.
- 9.47. The main areas of concern relate to the impact on the nearby Valley Gardens conservation area and the Grade I Listed St Bartholomew Church to the north. The Heritage Officer has reviewed the submitted heritage assessments and considers it be comprehensive and robust.
- 9.48. The Heritage Officer has noted that the existing building is of some merit and does illustrate a particular point in time within the evolution of London Road. The building is however not locally listed, nor does it fall within a conservation area. The Heritage Officer has confirmed that the existing building makes a neutral contribution to the Valley Gardens conservation area. The building has been subject to several unsympathetic alterations in the past and the rear elevation is not considered to contribute positively to the surrounding area. As such the demolition of the building is not objected to subject to a suitable replacement. The Heritage Officer and the Conservation Advisory Group are in general support of the demolition of the building.
- 9.49. The most important view is considered to be up Pelham Street towards the southern elevation of St Bartholomew's Church. The Heritage Officer has noted that the development would pay respect to the adjacent Grade I listed building as that the substantial set back at fourth floor level facing St Peter's

Street would result in a building that would sit below the eaves line, thereby retaining the prominence of important elements of the Church within the streetscene. Furthermore, the Heritage Officer considers that proposed scale and massing is appropriate as it would maintain views to the southern gable of the Church, in addition to the Rose window; both of which are key elements within the listing of the building.

- 9.50. The Heritage officer has also noted that the proposal would help to enliven the adjacent square and would help to enhance the setting of the church and has welcomed the fact that the façade would match that of the existing building.
- 9.51. Overall, the scale and massing of the proposal is generally considered to be appropriate and can be supported in terms of Heritage, in accordance with City Plan Part One policy CP15, and retained Local Plan policies HE3 and HE6.

Impact on Amenity:

- 9.52. 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. This can include a loss of privacy, a loss of natural light, a loss of outlook or the creation of a sense of enclosure. In addition, Policy SU10 seeks to ensure that proposed developments do not create undue levels of noise and disturbance.
- 9.53. The proposed building is of fairly significant scale and is located within close proximity to residential dwellings of a domestic scale and therefore the development would have the potential for significant impact on neighbouring amenity. It must be noted, however that this existing building is significant and therefore there is an existing level of harm. Furthermore, the site is located within a central location where there is a prevailing character of larger buildings set alongside smaller dwellings.
- 9.54. The closest residential units to the site are:
- **1-6 St Peter's Street** – two storey terrace of buildings to the west of the site split into residential flats
 - **45 Cheapside** – 3 storey block of flats
 - **141, 134-135 and 133 London Road** – upper floor flats within 2/3 storey mixed use buildings.
 - **9 and 10 London Road** – upper floor flats within a three storey mixed used building.
- 9.55. The applicant submitted a daylight and sunlight report which demonstrates that 3 rooms (one at 1 St Peter's Street and two at 2 St Peter's Street will fall marginally below the BRE guidelines. Given the separation afforded by the highway and the urban location, this is considered acceptable. Overall, the report finds that the development will not significantly reduce the daylight or sunlight of the main habitable rooms in surrounding properties.

- 9.56. The proposal would also allow for the possibility of overlooking and disturbance from roof terraces and additional windows at higher levels. The resultant relationships will impact upon the sense of privacy which some neighbouring residents currently benefit from. However, as detailed above the proposed development is in keeping with the pattern of development in the area, where there are a number of taller blocks of flats with balconies located alongside or to the rear of two storey dwellings and flats. Furthermore, the site is within a central built-up location where large buildings are characteristic, and a level of overlooking is to be expected.
- 9.57. Additionally, it is noted, that the overall design and massing of the scheme has been informed by the location of nearby residential properties, in particular the staggered profiles and the outlook would be significantly improved in comparison to the current servicing yard thereby enhancing the public realm. The applicant has also submitted an estate management plan to ensure the management of noise and operations within the scheme and a student management plan will be secured as part of the s106 agreement.
- 9.58. Overall in regard to overshadowing and daylight, loss of privacy and the potential for disturbance, it is acknowledged that an increased impact will occur to some local residential buildings, however taking into account all factors, including the benefits which the proposed development would deliver, including a substantial number of student units and upgraded retail unit in a sustainable location the proposed development is considered acceptable and would not cause an undue loss of amenity to adjoining occupiers in accordance with Policy QD27.

Sustainable Transport:

- 9.59. The site is located on London Road which is a key transport route within the city and benefits from sufficient bus services around the city. The site falls within an area where parking restrictions are in place. The existing site comprises three retail units with ancillary storage with parking and onsite loading bays to the rear. The applicant proposes to remove the rear parking and loading areas to make way for the development and to provide two disabled parking bays immediately outside the site on St Peter's Street, which is appropriate for the number of accessible units proposed, a loading bay/drop off zone on St Peter's Place and a serving bay immediately to the north of the site on providence place.
- 9.60. These loading bay proposals are based on surveys and forecasting carried out by the applicant which have demonstrated that the bay capacity is sufficient for the proposed quantum of development. Transport Officers have raised concerns in relation to the methodology used and have requested further surveys are undertaken to provide baseline data to assess the capacity of the existing retail units. The developer has however indicated that one of the existing retail units has ceased to operate and due to current restrictions as a result of the pandemic, surveys would not be representative of normal conditions. On this basis, the applicant has used an alternative industry

standard method to calculate the likely demand in order to establish the capacity required.

- 9.61. Despite this, the Transport Team have carried a survey and confirmed that the proposed loading bay capacity is acceptable. The Transport Team have however raised concerns regarding the proposed highways works with regards to highway safety. Notwithstanding the submitted details, it has been agreed with the Transport Team that revised information and further details can be secured obligation in order to address any outstanding concerns. This shall be secured as part of the legal agreement.
- 9.62. Concerns have been raised by transport officers in relation to cycle parking spacing and access to the cycle store for future occupiers. In response the applicant has amended the design of the building in order to widen corridors and access doors, which has been confirmed as acceptable. The Transport Team still raise concerns regarding the spacing between the two tier cycle parking stands, however have clarified that this would not amount to an objection. The applicant has confirmed that the spacing is inline with the manufacturing guidelines and will allow for a greater provision of spaces. The total provision of spaces is 104 long stay and 16 short stay for the student accommodation and 2 long stay and 16 short stay for the retail element, which is in accordance with SDP14 requirements. Whilst the concerns of the Transport team are noted, the provision is in accordance with SPD14 and overall, the cycle parking provision is considered acceptable and the concerns regarding the spacing would not warrant refusal of planning permission. The implementation of the cycle parking shall be secured by condition.
- 9.63. In addition to measures set out above, it is recommended that the following be secured by condition-
- Implementation of disabled car parking
 - A delivery and servicing management plan
 - Construction environment management plan (CEMP)
- 9.64. Transport officers have requested that the CEMP be requested via the s106 agreement. However, guidance does advise that where the information can be secured by a condition, a condition should be used. A condition is considered a suitable mechanism to secure the information and on this basis the CEMP is to be secured by condition.
- 9.65. A full scheme of travel plan measures, as set out within the heads of terms, is also recommended to be secured through s106 legal agreement, for approval by the Council prior to first occupation.

Air Quality:

- 9.66. In accordance with Policy DA4 of the City Plan Part One, BHCC seeks to ensure new development proposals take into account impact on local air quality and that improvements and/ or mitigation is sought wherever possible. Regard should be had to Policy SU9 of the Saved Local Plan and SA2 of the

City Plan Part One and an air quality assessment would be required to accompany any planning application. The development should ensure that improvements and/ or mitigation is sought wherever possible.

- 9.67. The application falls within an Air Quality Management Area (AQMA) in an area where NO₂ levels where records indicate that NO₂ levels have exceeded legal limits continuously since 2004. It is a requirement of policies SU9 and DA3 that developments within the AQMA must where practicable help to alleviate existing air quality problems and deliver improvements wherever possible. The application has been submitted with an air quality statement which concludes that the development would not generate significant levels of impact in air quality as a result of traffic nor from the proposed energy plant within the building. Furthermore, the report concludes that the units within the proposed development can achieve acceptable air quality conditions.
- 9.68. The Air Quality Officer is generally in support of the scheme and welcomes the use of Air Source Heat Pumps (ASHP) and solar panels to provide the principal source of heat, however concerns have been raised in relation to the use of a communal gas fired boiler for water heating, the use of a diesel back-up generator and the potential air quality within the rooms. The Air Quality Officer recommended the use of an electric system to heat water and suggests that rooms at first floor level facing London Road should be served by mechanical ventilation and shall have windows fixed shut. The Air Quality officer also raised concerns relating to a 'canyoning' effect within London Road due to the increase height of the building, however this concern has been withdrawn due to the minimal increase in height of the façade.
- 9.69. The applicant has clarified that the current proposal has been designed with air quality, sustainability and the cost for the future occupiers in mind as the efficiency of ASHPs directly relates to their running costs. It is proposed that ASHP will be the primary energy provider and that low NO_x gas boilers will provide top-up for the hot water system and used when the external ambient temperatures are low to ensure that the ASHPs are running efficiently.
- 9.70. Furthermore, the applicant has clarified that a back-up generator is required to ensure compliance with current Building Regulations and that the proposed diesel generator will only feed the life safety systems such as the sprinkler pumps and mechanical smoke systems; the generator will not be used as a back-up electrical services within the building in the event of power failure.
- 9.71. The Air Quality Officer still raises concerns about both systems set out above and advises that combustion free energy sources would be preferable. The submitted air quality assessment does however conclude that neither measure would generate a significant increase in air pollutants within the area, and this is not disputed by the Air Quality Officer. Although it would be preferable for a diesel generator to not be used within the development, the applicant has demonstrated that an auxiliary back-up system is required and that the use of the system would be minimal and for emergency processes only. Taking

account of this in addition to the measures that would be secured by condition to encourage use of sustainable transport modes including; cycle storage for all occupants, restricted routes of construction traffic and electromotive charging points, it is not considered that this objection would warrant refusal of the application.

- 9.72. In response to concerns regarding air quality within the rooms, the applicant has proposed a condition to carry out surveys within the specific locations of the site prior to commencement of the construction of the building. The Air Quality Officer has however suggested that a survey is unlikely to provide an accurate representation due to the current restrictions in movement and that mechanical ventilation and sealed windows are recommended. This practice is commonplace for developments within AQMAs within Brighton and Hove and has been secured on a number of residential and student schemes within the city. The applicant has confirmed that mechanical ventilation can be achieved within the current design and therefore shall be secured via condition.

Sustainability:

- 9.73. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. 'Major' non- residential developments are expected to achieve BREEAM 'Excellent'.
- 9.74. In order to achieve these targets, the following is proposed:
- Well insulated building fabric
 - Air source heat pumps
 - Solar photovoltaics
- 9.75. The Sustainability Officer requires provision to be made for connection to a potential future heat network to ensure that a route from the highway to the plant room is identified and safeguarded so that a connection may be made if a heat network is developed in the area in future. A suitable condition has been recommended to secure this provision.
- 9.76. The Sustainability Officer has noted that it is credible that BREEAM requirements are considered at this early design stage, so that the maximum number of credits may be targeted and achieved.
- 9.77. The proposed reduction in carbon emissions amply meets the requirements of Brighton & Hove Policy CP8.

Archaeology:

- 9.78. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.

9.79. The proposed development is situated within an Archaeological Notification Area, however based on the information submitted with the application the County Archaeologist does not consider that any significant archaeological remains are likely to be affected by these proposals, as such no objection is raised nor are any recommendations recommended. Therefore the proposed development complies with the provisions of Policy HE12.

Trees and Landscaping:

9.80. Policy QD16 requires applications for new development to accurately identify existing trees, shrubs and hedgerows and seek to retain existing trees and hedgerows. wherever feasible include new tree and hedge planting should be incorporated into proposals.

9.81. There are no trees located within the proposed development, however two off-site, local authority maintained trees are in proximity to the proposal. One of these trees (T2) is an Elm tree situated within the pavement of London Road at the front of the building to the east

9.82. The Tree Officer considers that there will be increased post development pressure on this Elm tree due to proximity, however this will be managed under the Council's current maintenance regime.

9.83. The application proposes a tree protection barrier should be secured by condition; however concerns were raised regarding the potential for damage to occur during the demolition and construction phase. As such a condition has been imposed for the applicant to provide tree protection measure prior to demolition to be approved by the LPA. A condition will also be imposed to ensure no storage of materials will occur in close proximity to the trees.

9.84. A priority for the New England Quarter Development Area is ensuring redevelopment opportunities extend and strengthen green infrastructure. In addition, the development area strategy seek to revitalise and regenerate the area. The rear of the site is in dire need of public realm enhancements to provide improved visual amenity. The applicant has appointed Landscape Architects to ensure landscaping plays an integral part of the scheme as requested by the Urban Design Officer. As such, the following landscaping features are incorporated into the proposal:

- Southern Courtyards (with three new trees)
- Northern Courtyard (with two new trees)
- Roof terrace
- Green roof new paving
- 2 Street trees

9.85. The proposed larger southern courtyard will provide the primary amenity space for the students and be at ground level. A smaller courtyard will be located to the north will be directly accessible from the student entrance and be at first floor level. Rooftop amenity space will be situated at fourth floor level to the west of the Site overlooking St Peter's Street and Providence Place. Deep

buffer landscaping is proposed for the outside of the rooms whilst ensuring the courtyard responds to the solar aspect.

- 9.86. During pre-application stage the applicant was encouraged to provide an additional street tree on London Road, however they have argued that this was not feasible due to the street infrastructure and underground services on London Road.
- 9.87. The Urban Design Officer has recommended
- expanding space for ground planting around the base of the existing Elm tree, as well as installing planters to either side of the existing bus shelter
 - Develop detailed planting plans to show that proposed defensible space offers sufficient scope for privacy to ground level bedroom windows.
- 9.88. The planting plans within the site are duly conditioned. Given the implementation of the Community Infrastructure Levy, it is considered that the provision of off-site public realm and landscaping works should not be sought via section 106 legal agreement.
- 9.89. The landscaping scheme is of a high-quality and introduces significant green infrastructure into the site and development area. As such it is considered that the scheme complies with the aims of Policy DA4 and CP12.

Ecology:

- 9.90. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Policy CP10 of the City Plan Part 1 sets out criteria for development to conserve, restore and enhance biodiversity and improve access to it. The site comprises buildings and hard standing within an urban setting. There are no trees or vegetation on site, although there are two trees close to the site.
- 9.91. As noted by the County Ecologist, the site is not designated for its nature conservation interest. The nearest designated site is Brighton Station Local Wildlife Site (LWS or Site of Nature Conservation Importance) which lies c. 249m to the west. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.
- 9.92. Although the building on site was assessed as offering low bat roost potential, surveys found no evidence of roosting bats and the site overall is of limited suitability for bats. As such, no specific mitigation for bats is required. Furthermore, the County Ecologist considers that the site is unlikely to support any other protected species.
- 9.93. The following measures shall be secured by condition in order to provide a net gain in biodiversity:

- nest boxes/integrated bricks for house sparrows and swifts
- green roof
- landscaping

9.94. In summary, the county Ecologist raises no objections and provided the recommended mitigation and enhancement measures are implemented, she considers that the proposed development can be supported from an ecological perspective.

9.95. Overall, the proposal will comply with Policy CP10 of the CPP1.

Other Considerations:

Sustainable Urban Drainage / Flood Risk:

9.96. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings.

9.97. The site is located in Flood Zone 1, which has the lowest probability of flooding, however there is a high risk of surface water flooding on the site. A sustainable Urban Drainage Strategy for the site will include permeable paving, attenuation tank and a green roof.

9.98. The sustainable drainage team do not raise any objections to the scheme subject to a condition securing a detail design and updated micro-drainage calculations.

Security:

9.99. Policy CP12 seeks all development to incorporate design features which deter crime or disorder and the fear of crime fence. A legal agreement will ensure that there is a 24-hour security presence which would also accord with Policy CP21.

9.100. Sussex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures to the applicant. It is clear that the proposed development will enhance the public realm and reduce opportunities for crime to the rear, with the provision of an active frontage.

Waste:

9.101. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A development of scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan should be required by condition. Paragraph 49 of the National Planning Practice Guidance provides guidance

on what could be covered in the SWMP in order to meet the requirements of the policy . Policy WMP3d also requires applicants to demonstrate how the durability of the construction has been maximised. A condition has been imposed to secure details of a waste management plan.

Contamination:

- 9.102. A contamination report has been submitted which demonstrates that the risk for contamination and associated remediation is low. Environmental Health Officers have reviewed the contamination report and raise no objections, subject to conditions securing demolition and construction environment management plans in addition to relevant contaminated land surveys.

10. CONCLUSION

Conclusion & Planning Balance:

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.
- 10.2. The proposed development would provide 156 student rooms, which represents a substantial contribution towards the need for purpose built student housing in the city. The site is ideally located for such development being in close proximity to University teaching accommodation and on a main road / sustainable transport corridor. The development would also provide 453sqm of modern high quality retail space.
- 10.3. Whilst not all of the comments and recommendations of the Urban Designer have been incorporated into the scheme, the design of the building is considered appropriate and sympathetic to nearby heritage assets and would assist in the regeneration of the wider London Road area. Urban Design and Heritage Officers are in support of the application.
- 10.4. The proposed PBSA will provide a good, fit-for-purpose residential accommodation with the necessary amenities in a highly sustainable location.
- 10.5. The proposed development would introduce green infrastructure into the vicinity and a net increase in biodiversity will be achieved across the site.
- 10.6. The proposal would result in a loss retail floor space, however the quality of the space would be improved and would offer a superior flexible retail space whilst enabling underutilised space to provide student residential accommodation and ensuring the primary retail frontage is retained and adequate retail space is provided. The future viability of the space is not considered to be compromised by the reduction in space. The development would revitalise and improve the development area, enhancing the public realm.

- 10.7. The proposed development would have a marginal impact on two properties in the vicinity, however this impact is not considered to be severe and is commensurate to a redevelopment within a central location such as this.
- 10.8. It is also acknowledged that there are several further amendments that could be made in respect of Sustainable Transport, however a lack of these amendments does not warrant refusal of planning permission, and sufficient conditions and obligations are recommended to secure additional details where necessary.
- 10.9. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development. Overall, whilst the scheme would cause harm in some respects, these concerns have been fully assessed, and overall it is considered that the scheme would deliver substantial benefits which would outweigh this harm. Approval is therefore recommended subject to the conditions and s106 requirements.

11. EQUALITIES

- 11.1. Accessible units and disabled parking spaces will be provided.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 336,787.50. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

13. DEVELOPER CONTRIBUTIONS

The contributions required would be allocated and spent as follows:

- 13.1. Submission of an Employment & Training Strategy to secure the use of at least 20% local construction labour
- 13.2. A financial contribution of £15,600 towards the Local Employment Scheme
- 13.3. A Commercial and Residential Travel Plan to secure a variety of measures including:
- A travel pack for each new employee/resident
 - To offer incentives to each first student from a choice of the following:

- Subsidised bus travel season tickets
- Subsidised rail tickets
- Two year car club membership
- Two year Brighton & Hove Bike Share membership
- Bikeability training
- £150 voucher towards bicycle
- Maintenance stands for cyclists
- Information on sustainable transport options within marketing sales and recruitment material.
- A notice board displaying information relating to sustainable transport options and travel plan information
- 'Doctor bike services'
- Monitoring and associated fees

13.4. A s278 agreement in order to secure:

- 2 x loading bay on St Peter's Street and Providence Place
- Repaving of footways on St Peter's Street and Providence Place
- 2.0m footway provided along the western boundary to connect to the existing provision to the south
- Raised table at the junction of St Peter's Place and Providence Place

In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails to deliver a skills and employment strategy and in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to deliver a contribution skills and employment contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to deliver a Student Management Strategy and in accordance with Policies CP21 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
5. The proposed development fails to provide highway works and public realm improvements contrary to the requirements of Policies DA6, CP7 and CP9 of the Brighton and Hove City Plan Part One.