

<b><u>No:</u></b>	<b>BH2023/02349</b>	<b><u>Ward:</u></b>	<b>Hanover &amp; Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Enterprise Point And 16-18 Melbourne Street Brighton BN2 3LH</b>		
<b><u>Proposal:</u></b>	<b>Demolition of the existing buildings and erection of a new development of four to seven storey buildings, comprising co-working business floorspace (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms, and gym and external landscaped amenity courtyard, gardens and podium terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 221 co-living studio flats and 1060 sqm co-working business floor space).</b>		
<b><u>Officer:</u></b>	<b>Wayne Nee, tel: 292132</b>	<b><u>Valid Date:</u></b>	<b>22.08.2023</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>21.11.2023</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Third Revolution Projects Build Studios 203 Westminster Bridge Road London SE1 7FR</b>		
<b><u>Applicant:</u></b>	<b>Kosy Co Living EP Ltd, Cross Stone Securities C/o Third Revolution Projects Build Studios 203 Westminster Bridge Road London SE1 7FR</b>		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **31st July 2024** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 13.1 of this report:

Section 106 Head of Terms:

Affordable Housing:

£2.5m commuted sum in lieu of homes on site.

Travel Plan:

A Travel Plan covering a minimum 5 year period. To promote safe, active and sustainable travel choices by its future occupiers and visitors.

Bikeshare docking station:

The cost of one bikeshare docking station.

Public Art:

The Developer covenants with the Council to commission and install on the Property an Artistic Component to the value of £41,336 including installation costs prior to first occupation of the development.

Employment and Training

- Submission of developer contributions of £22,100 to be submitted prior to site commencement.
- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition and construction phases of development, at least one month before the intended date of formal commencement of the development.

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	2203-P-150	G	22 August 2023
Proposed Drawing	2203-P-151	D	22 August 2023
Proposed Drawing	2203-P-154	C	22 August 2023
Proposed Drawing	2203-P-155	B	22 August 2023
Proposed Drawing	2203-P-160	C	22 August 2023
Proposed Drawing	2203-P-171	B	22 August 2023
Proposed Drawing	2203-P-172	B	22 August 2023
Proposed Drawing	2203-P-173	A	22 August 2023
Proposed Drawing	2203-P-174	A	22 August 2023
Proposed Drawing	2203-P-201	H	22 August 2023
Proposed Drawing	2203-P-211	H	22 August 2023
Proposed Drawing	2203-P-213	B	22 August 2023
Proposed Drawing	2203-P-221	H	22 August 2023
Proposed Drawing	2203-P-231	H	22 August 2023
Proposed Drawing	2203-P-241	H	22 August 2023
Proposed Drawing	2203-P-251	J	22 August 2023
Proposed Drawing	2203-P-261	J	22 August 2023
Proposed Drawing	2203-P-271	H	22 August 2023
Proposed Drawing	2203-P-301	G	22 August 2023
Proposed Drawing	2203-P-302	F	22 August 2023
Proposed Drawing	2203-P-303	H	22 August 2023
Proposed Drawing	2203-P-304	G	22 August 2023
Proposed Drawing	2203-P-305	E	22 August 2023
Proposed Drawing	2203-P-306	E	22 August 2023
Proposed Drawing	2203-P-307	F	22 August 2023
Proposed Drawing	2203-P-308	F	22 August 2023
Proposed Drawing	2203-P-321	B	22 August 2023
Proposed Drawing	2203-P-371	A	22 August 2023
Proposed Drawing	2203-P-372	A	22 August 2023
Proposed Drawing	2203-P-373	A	22 August 2023
Proposed Drawing	2203-P-601	B	22 August 2023

Proposed Drawing	2203-P-602	B	22 August 2023
Proposed Drawing	2203-P-603	B	22 August 2023
Proposed Drawing	2203-P-604	B	22 August 2023
Proposed Drawing	2203-P-611	B	22 August 2023
Proposed Drawing	2203-P-612	B	22 August 2023
Proposed Drawing	2203-P-613	B	22 August 2023
Proposed Drawing	2203-P-614	B	22 August 2023
Proposed Drawing	2203-P-651	B	22 August 2023
Proposed Drawing	2203-P-921	C	22 August 2023
Proposed Drawing	2203-P-981	B	22 August 2023
Proposed Drawing	2203-P-982	B	22 August 2023
Proposed Drawing	2203-P-983	A	22 August 2023
Proposed Drawing	2203-P-984	B	22 August 2023
Proposed Drawing	2203-P-985	B	22 August 2023
Location and block plan	2203-P-100	B	22 August 2023

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
4. No development, including demolition, shall take place until a Demolition Environmental Management Plan (DEMP) has been submitted to and 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 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 joining the considerate constructors scheme)
  - (iii) 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
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound
  - (vi) A plan showing construction traffic routes
- The demolition shall be carried out in accordance with the approved DEMP.  
**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8

of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

5. No development, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - (i) The phases of the Proposed Development including the forecasted completion date(s)
  - (ii) A 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 joining the considerate constructors scheme)
  - (iii) 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
  - (iv) Details of hours of construction including all associated vehicular movements
  - (v) Details of the construction compound
  - (vi) A plan showing construction traffic routes

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

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, 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.

6. No development, shall take place (including demolition and all preparatory work) until a scheme for the protection of the retained trees to the north of the rear site boundary, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policy DM22 of Brighton & Hove City Plan Part 2 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites

7. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for protected species (bats, breeding birds, dormice, badgers, reptiles and hedgehog), invasive species such as buddleia (where required) and protection of Woodvale, Extra-mural and Downs Cemeteries Local Wildlife Site has been submitted to and approved in writing by the local planning authority. The content of the Method Statement shall include the following:

- a) purpose and objectives for the proposed works;

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

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

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

8.

- (i). 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 site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted desk top study (by Terrafirma ref. PO-22-020/P1EP dated Aril 2022) in accordance with BS 10175:2011+A2:2017;  
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,
  - (b) 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.
- (ii) 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)b that any remediation scheme required and approved under the provisions of condition (1)b 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 suitable for use.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM40 and DM41 of City Plan Part 2.

- 9. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of

monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

**Reasons:** This condition is requested due to the historical uses of the site and the nearby Source Protection Zone, that could be placed at risk by mobilised contamination, and to also ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

10. 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 prior to the first occupation of the development and shall thereafter be retained as such.

**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, policy DM20 of City Plan Part Two, and CP12 of the Brighton and Hove City Plan Part One.

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

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

12. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including provision of 4 bat boxes, swift bricks, bee bricks and landscape planting of high wildlife value 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.

Further supplementary ecological surveys for bats shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the EDS. The supplementary surveys shall be on an appropriate type for the above species and survey methods shall follow national good practice guidelines.

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

**Reason:** To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site 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 NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

13. Prior to the commencement of development (excluding demolition) a Sustainable Drainage Plan including detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Outline Drainage Strategy, dated July 2023 shall be submitted to and approved in writing by the Local Planning Authority. The Sustainable Drainage Plan shall include the following:

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

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

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 prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance Policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

14. Notwithstanding the plans hereby submitted, no development hereby permitted shall take place until a full scheme of highway works for improvements to Melbourne Street have been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Improve the northern footway to and in the vicinity of the development by -
- removing the redundant vehicle crossovers and reinstate these as raised footway;
- widening the adopted footway (if necessary, through dedication of additional land as adopted highway) so that its unobstructed clear width after street furniture and other potential obstructions is either: (A)  $\geq 1.8\text{m}$  wide; or (B)  $\geq 1.5\text{m}$  wide but with regular  $\geq 1.8\text{m}$  wide passing areas of a minimum 2m length including but not limited to in front of doors and entrances;
- Resurface and improve the footway; and
- provision of an on-street inset loading bay on Melbourne Street in front of the 'Phase 2' development site.

The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

15. Notwithstanding any details shown on the approved plans, 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/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details 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 DM18, DM26, and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- An energy statement demonstrating how the development will meet the requirements of the Future Homes Standard and Future Buildings Standard, as appropriate for the different elements of the development;
- Overheating risk assessment

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



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

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

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

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

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

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

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

20.

(a) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

(b) No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the

programme set out in the written scheme of investigation approved under (a).

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

21. No development, including demolition and excavation, shall commence until a whole-life carbon assessment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policy CP8 of the Brighton & Hove City Plan Part One, as well as SPD17.
22. The development hereby permitted shall not be occupied until details have been submitted in writing to the Local Planning Authority for approval of identified designated outdoor smoking areas and associated external cigarette bins at entrances and exits of the building hereby approved. The development shall then be constructed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.  
**Reason:** In the interests of residential amenity and the visual amenity of the area and to comply with DM20 and DM40 of Brighton & Hove City Plan Part 2 and policy CP13 of the Brighton and Hove City Plan Part One.
23. The development hereby permitted shall not be used/occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how and where deliveries and move-in/move-out will be scheduled and otherwise be managed, dwell times for deliveries and move-in/move-out activity, how deliveries servicing and refuse collection will take place, and the frequency of all those vehicle movements has been submitted to and approved in writing by the local planning authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM33, and DM40 of Brighton & Hove City Plan Part 2.
24. Notwithstanding plans hereby submitted, and prior to occupation of the development, details of secure and inclusive cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. This should include:
  - a) A detail of the secure access provisions proposed;
  - b) Proposed cycle parking stores which are accessible from the proposed pedestrian/cycle only courtyard space and do not encourage potential conflict with motor vehicles;
  - c) The layout of SPD 14 policy compliant long-stay cycle parking provisions, including dimensions of the cycle parking store including aisle widths and vertical clearance (demonstrating 2.6m can be achieved where two-tier stands are proposed);
  - d) Long-stay cycle parking types including 20% Sheffield stand provision and 5% enlarged Sheffield stand provision;

- e) A mobility hub/cycle parking store to provide long-stay cycle parking, and provisions for electric charging provision for scooters/e-bikes; and
- f) SPD 14 policy compliant short-stay cycle parking (i.e., Sheffield stands) should be provided in the public realm within the curtilage of the proposed development site; and
- g) the proposed location for the BTN Bikeshare hub and bikes (10 bikes) within the on-site courtyard area.

The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

25. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments (including details all external doors and gates) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM21, DM21, DM27 of Brighton & Hove City Plan Part 2, and CP12, CP15, CP13 of the Brighton & Hove City Plan Part One.

26. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.

**Reason:** In the interests of crime prevention, to comply with policies CP12 and CP13 and SA6 of the Brighton & Hove City Plan Part One.

27. Prior to occupation, a Lighting Design Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and/or technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance. The predicted illuminance levels shall have been tested by

a competent person to ensure that the illuminance levels agreed are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy prior to first occupation, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

**Reason:** Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2. To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

28. The development hereby approved shall not be first occupied until details of the photovoltaic array shown on the approved roof plan (drawing no. 2203-P-271-H) as been submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation and thereafter retained.

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

29. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c) details of all boundary treatments to include type, position, design, dimensions and materials;

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

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

30. The development hereby permitted shall not be first occupied until full details of roof plant and machinery been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.
31. The development hereby permitted shall not be first occupied until full details of privacy screens on the boundaries of the balconies hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The screens shall be installed prior to occupation of the development and thereafter be retained.  
**Reason:** To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.
32. Prior to first occupation of the development hereby permitted, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and SPD14 Parking Standards.
33. The development hereby approved shall not first occupied until a Building Management Plan has been submitted to the Local Planning Authority for written approval. The Plan shall include details of:
- i) Details of the numbers and nature of staff to be on site including 24 hour security arrangements.
  - ii) Location and permitted use by residents, business users and community users of outside amenity areas including building entrances and access, hours of use and management of outside amenity areas.
  - iii) Details of community liaison arrangements including contacts and complaints procedures.
  - iv) Details of arrangements for arrivals and departures of residents.
  - v) Details of management and access to indoor communal facilities including to community and gym facilities.
- The agreed Building Management Plan shall be implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure the safety of occupants and the amenity of neighbouring residents and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton and Hove City Plan Part One.
34. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development

built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be 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.

35. 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 DM41 of City Plan Part 2.
36. 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.  
**Reasons:** Piling and investigation boreholes 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. To ensure that the proposed intrusive works does not harm groundwater resources in line with paragraph 174 of the NPPF and Position Statement A3 of the 'The Environment Agency's approach to groundwater protection'.
37. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
38. The floors/walls/stairs between the commercial/communal areas and the residential uses shall be designed to achieve a sound insulation value of at least 5dB better than Approved Document E performance standard.  
**Reason:** To safeguard the amenities of the occupiers on the site, the neighbourhood and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
39. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the

development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.

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

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

41. The wheelchair 'accessible' studio rooms hereby permitted as detailed on approved drawings shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

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

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

43. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

44. The non-residential part of the premises hereby permitted as shown on the Proposed Ground Floor Plan 2203-P-201-H shall be used as an office (Use Class E(g) (i) and (ii)) only and 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 shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP2 and CP3 and DA3 of Brighton & Hove City Plan Part One.

45. The living accommodation hereby approved shall be occupied for sui generis residential purposes only as a main residence and shall not be permitted to be occupied by any other form of residential or short stay accommodation within Class C of the 1987 Use Classes Order (as amended).

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

46. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential and non-residential development.

**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

47. Prior to first occupation, provision within the development hereby approved shall be made to ensure the site can be connected to a district heating system in the future, including securing and safeguarding a route onto the site from the highway for a connection.

**Reason:** To ensure the development helps the city to achieve its ambition of becoming carbon neutral by 2030 and to comply with Policies SA6 and CP8 of the Brighton & Hove City Plan Part One and DM46 of the Brighton & Hove City Plan Part Two.

48. Prior to first occupation of the development hereby permitted, a Car Park Layout Plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include:

- a) Details and layout of the proposed disabled parking, car club cars/bays, motorcycle parking, electric vehicle parking and charging, loading bays, service and delivery areas and signage (markings and signs) for the management (such as numbered spaces and Department for Transport approved names and symbols (e.g., for a disabled bay) inside and outside of the space) of all forms of parking and stopping as appropriate.
- b) Disabled parking should be designed in accordance with Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People and



BS8300:2001.26. Each of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.

- c) Demonstration of how the proposal complies with SPD14 Parking Standards.
- d) Swept path analysis drawings demonstrating and how vehicles will access/egress and manoeuvre within the car park safely.
- e) Also, this should include dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies.

The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of the City Plan Part One & DM33 and DM36 of City Plan Part Two.

49. Prior to commencement of the development hereby permitted, a footway layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of gradients, lighting, handrails and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). The layout plan should also include an on-footway loading bay to retain existing footway widths on Melbourne Street. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies TR7, TR11, TR12, TR17, TR18, HO11, HO12, HO13, HO14, HO15, HO19, QD14 and QD21 of the Brighton & Hove Local Plan and CP3, CP5, CP6, CP7, CP9, CP12, CP13, CP16, CP17, CP18, CP22, SA6 and WLP1 of the City Plan Part One and DM33 of City Plan Part Two.

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 impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to [Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk)
3. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections

Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

4. Swift bricks/boxes can be placed on any elevation, but must avoid areas that are exposed to extended periods of direct sunlight or prevailing weather conditions, with shade casting eaves and gable ends being optimum locations. They should be installed in groups of at least three, approximately 1m apart, at a height no lower than 4m (ideally 5m or above), and preferably with a 5m clearance between the host building and other buildings, trees or obstructions. Where possible avoid siting them above windows, doors and near to ledges/perches where predators could gain access. Always use models that are compatible with UK brick/block sizes and consider the potential for moisture incursion and cold spots in the building design. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.
5. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
6. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: <https://www.hse.gov.uk/asbestos/>
7. In order to be in line with Policy DM33 of the Brighton & Hove City Plan Part Two cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'twotier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'
8. You are advised that details of the development will be passed to B&HCC as Local Highway Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

9. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport Traffic Advisory Leaflet 5/95 Parking for Disabled People and BS8300:2001.26. A combination of these two documents requires at least a 1.2m clear zone to both sides and roadway end of the bay.
10. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)).
11. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
12. The applicant is advised that they must apply for a license for the proposed door(s) and/or gate(s) that open over the public highway under Section 153 of the Highways Act 1980. Please contact the Council's Highway Enforcement Team for further information ([street.licensing@brighton-hove.gov.uk](mailto:street.licensing@brighton-hove.gov.uk) 01273 292090).
13. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part.
14. The applicant is advised to ensure compliance with Part S of the Building Regulations, which came into effect on 15 June 2022, and requires, "Where one or more dwellings with associated parking result from a building, or a part of a building, undergoing a material change of use at least one associated parking space for the use of each such dwelling must have access to an electric vehicle charge point."

## **2. SITE LOCATION**

- 2.1. The site comprises the main building of Enterprise Point which is a part five-, part six-storey L-shaped 1950's style industrial building with roof plant above. Until this was built the site had been largely undeveloped, having been historically used as an earthworks in conjunction with the now-defunct railway viaduct.
- 2.2. The front of the building is set back 18.5 - 20m from Melbourne Street, with the five-storey southern wing beyond this. The site slopes downwards from rear to front (west) by over 7 metres and so due to the topography the two wings of the current building have a flat roof at the same height. The existing building has a gross internal floorspace of 5,459.2 sqm. The second building on the site was 16-18 Melbourne Street (now demolished), with a two-storey industrial unit in the north-west corner of the application site.
- 2.3. The site is flanked on the east boundary by the rear of a terrace of residential properties on Shanklin Road. To the south is a primary school and on the north boundary the access road to Woodvale Crematorium. The north boundary is

heavily screened by a large belt of mature deciduous trees on the crematorium land owned by the city council. On the north-east boundary of the site is a 4-storey former industrial building converted to 20 flats which has its west elevation on the boundary of the application site with windows facing (west) directly onto the existing current car park of Enterprise Point.

- 2.4. The character of area is mixed, having historically been an area of generally small-scale housing and employment uses as well as St Martin's Primary School, built around a narrow street. Opposite the site on Melbourne Street is a part seven-, part four-storey contemporary block of 31 flats known as Viaduct Lofts. To the south are small terraces of two storey houses also on Melbourne Street. To the west of the site on Melbourne Street are a row of low-rise industrial buildings in use as workshops and vehicle repairs. This site has a planning permission (approved under application BH2019/01820) for a new development of 4 and 6 storeys (plus basement level) for co-working business floor space (B1) and 83no co-living residential units (Sui Generis), including gym/community space (80m<sup>2</sup>) and ancillary café.
- 2.5. The Round Hill Conservation Area is prominently located further to the west of the site on the western side of Upper Lewes Road. The Valley Gardens Conservation Area lies further to the south-west of the site, approximately 450m away. The adjoining Woodvale Crematorium to the northern boundary is Grade II listed on the Register of Parks and Gardens of Special Historic Interest in England, and also contains listed buildings and structures. There are further listed buildings in the Locally Listed City Cemetery to the north of the site.
- 2.6. The adjoining Woodvale Crematorium is also designated as a Site of Nature Conservation Interest (SNCI)/Local Wildlife site.

### **3. APPLICATION DESCRIPTION**

- 3.1. This application seeks permission for the demolition of the existing buildings and erection of a new development of four- to seven-storey buildings, comprising co-working business floorspace (use class E) and provision of co-living studio flats (sui generis – outside of any use class) with communal internal spaces including kitchens, living rooms, and gym and external landscaped amenity courtyard, gardens and podium terrace, access, cycle and car parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street.
- 3.2. The details of the accommodation within the development are as follows:
  - 221 co-living studio flats;
  - Coworking areas (410 co-working desks, reception, kitchenette, bathrooms, meeting rooms, cinema room, WCs and printers): 1060 m<sup>2</sup> of business space including a bathroom and kitchenette area;
  - Shared living, cooking and dining spaces;
  - Ground and first floor level outdoor shared amenity spaces;
  - On-site gym, laundry room, and bicycle stores.

- 3.3. The proposal (indicated in the application submission as 'Phase 2') would be integrated with the permitted scheme at 19-24 Melbourne Street (referred to as 'Phase 1').
- 3.4. The present scheme follows the approval, on appeal, of a similar mixed-use development of the site (ref. BH2022/01490; appeal ref. APP/Q1445/W/23/3321177). That scheme was taller at 6 – 8 storeys, with a greater number of co-living studio flats - 269, and a comparable amount of co-working business floor space - 941sqm). In more detail, this current application differs from the approved appeal scheme in the following ways:
- Reduction in the number of co-living rooms from 269 to 221;
  - Increased amount of employment space from 940sqm to 1060sqm
  - Blocks A moved 2m east, Block C moved 0.5m west and Block D moved 1m west, with a resultant narrowed central amenity space by 1-1.5m.
  - Reduction in height of Blocks A, C and D (by 1 and 2 storeys for Block A and 1 storey each for Blocks C and D);
  - Angled windows on the top two floors of Blocks C and D and top 4 floors of Block B, facing Shanklin Road;
  - Reconfiguration to external courtyard and parking areas;
  - Replacement of trees with lower level planters to public realm on Melbourne Street, and additional public realm planting in front of Block A.

#### **4. RELEVANT HISTORY**

- 4.1. This application is one of a number that has come forward on this site and those nearby.
- 4.2. A proposal for the Machine Mart site to the west facing Lewes Road, subject to a separate application, was recently withdrawn (application BH2022/01489).
- 4.3. Outline permission BH2013/01575 was granted in 2014 for the comprehensive redevelopment of the application site for a development providing 73 residential units and 1030sqm B1 office floorspace. This consent has now expired.
- 4.4. A subsequent application for the development of the site for a predominantly purpose-built student housing scheme (BH2018/02751) was refused in April 2019.
- 4.5. As noted above more recently, a planning application (BH2022/01490) for a similar mixed-use development as proposed in this application was allowed at appeal in February 2024 (appeal ref. APP/Q1445/W/23/3321177).
- 4.6. The following sets out more details:
- 4.7. **BH2022/01490** Demolition of the existing buildings and erection of a new development of 6 and 8 storeys, comprising co-working business floor space (use class E) and provision of co-living studio flats (Sui Generis) with communal internal spaces including kitchens, living rooms and gym and external landscaped amenity courtyard, gardens, roof terrace, access, cycle and car

parking, plant, electricity sub-station, bin stores, laundry and associated landscaping and environmental improvement works to the public realm and Melbourne Street. (For information: proposal is for 269 co-living studio flats and 941 sqm co-working business floor space) Refused 14 March (Appeal Allowed 15 February 2024).

- 4.8. **BH2021/03899** Demolition of existing single storey building - Prior Approval Not Required 25/11/2021
- 4.9. **BH2021/02825** Prior approval for change of use of part ground floor from office (B1) to residential (C3) to form 2no dwellings - Prior Approval Required Refused 23/09/2021
- 4.10. **BH2021/02826** Prior approval for change of use of second floor from office (B1) to residential (C3) to form 17no dwellings - Prior Approval Required Refused 24/09/2021
- 4.11. **BH2021/00726** Replacement of existing telecommunications installation to include 6no new panel antennas measuring 2.1m in length at 22.5m, removal and replacement of 6no panel antennas at 22.5m together with ancillary equipment - Prior Approval Required Approved 22/04/2021
- 4.12. **BH2018/02751** - Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works (Amended plans). - Refused 25 April 2019.
- 4.13. **BH2013/01575** - Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the south wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 65 sq m. of community space on part ground floor and 15 no. affordable residential units - Granted - 15 August 2014 (Expired consent).

19-24 Melbourne Street

- 4.14. **BH2019/01820** Demolition of existing auto servicing centre and joinery building and erection of a new development of 4 and 6 storeys, plus basement level, comprising 587 m<sup>2</sup> of co-working business floor space (B1) including gym/community space (80m<sup>2</sup>) and ancillary café. Provision of 83no co-living residential units (Sui Generis) with ancillary storage, landscaped residents roof terrace and access, together with cycle storage, associated plant and electrical sub-stations and associated works. (Revisions to loading bay arrangements and cycle storage) - Approved 18/09/2020

Viaduct Lofts, Melbourne St

- 4.15. **BH2009/00655** Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear - Refused 08/07/09 (Appeal allowed 18/08/10)

123C Lewes Road

- 4.16. Demolition of the existing building and erection of 5 storey building, comprising a cafe (E) at ground floor and provision of co-living studio flats (sui generis) with residents rooftop terrace, ancillary cycle parking, bin stores and associated works to the public realm. (For information: proposed building includes 51 co-living studio flats with communal living space on each floor) - Withdrawn

## 5. REPRESENTATIONS

- 5.1. Eighty Four (84) individual letters of representation have been received objecting to the proposed development for the following reasons:

Principle:

- Unclear on demand for co-living
- Permanent housing for families needed
- Inappropriate height and disproportionate size
- 'Co-living' is nothing more than student halls of residence
- Area will become overpopulated
- Will not be affordable
- Loss of existing uses including charities, artists and musicians
- Would be used as holiday lets
- Glorified student accommodation
- Not in keeping with the current needs of the community or local area
- Overdevelopment
- Local area can still not cope with this additional footfall
- Boxed sized studio flats with no self-contained cooking/living spaces
- Vast development being shoe-horned into a tiny area High rise buildings pose a significant fire risk
- Sole purpose is to maximise rental density
- Cynical idea of cramming as many people into tiny spaces as possible
- Too small and cramped for the area and would be unaffordable for those currently living there.
- Detrimental to the local wildlife and the trees already in the area
- The wildlife (including badgers, foxes and hedgehogs) and the range of birds will diminish

Poor design:

- Unimaginative square blocks
- Out of character with the area
- Takes up the entire plot of land by building right up to the legal boundary
- Significantly larger and closer to neighbouring properties than Enterprise Point.
- Building is far too close to the boundary of the property

- Will make the small narrow street dark
- Will create a wind tunnel
- Poor accessibility for disabled people

#### Residential Amenity:

- Overshadowing, loss of light and loss of privacy to Shanklin road, Melbourne street and viaduct lofts o Impact on school from building works
- Loss of light and sunshine
- Block light and views and the sight of trees from many residents
- Would overlook the school
- No longer have any sunshine in flat or garden on Shanklin road
- Extra pollution
- No privacy for Viaduct Loft balconies
- Local services are already stretched
- Additional pressure on waste collection, local GPs and NHS dentists

#### Noise:

- Hundreds of tenants will share a roof terrace social space
- Extra traffic and vast number of residents will be disruptive and noisy
- Loud events and parties with people coming and going all hours of the day and night

#### Traffic or Highways:

- The density is too high for parking proposed
- Small one-way street
- Would result in parking on nearby roads
- The extra traffic may cause more accidents
- The amount of delivery drivers will increase
- Already stretched parking in the area will be challenged
- This is already an area with very poor air quality

5.2. Thirty Four (34) individual letters of representation have been received in support of the proposed development for the following reasons:

- Enterprise Point is a blight on the Brighton landscape
- Not transient, as residents will have a 12 month tenancy, as do most renters in Brighton
- Melbourne Street will be a much nicer place to look at
- Would help with housing shortage
- This is exactly the accommodation that I will be looking for when leave university and start my own business here
- Good for retaining graduates in the city
- Would free up family housing
- Provides a different type of housing for the city
- Provides lots of facilities
- Accommodation would ease burden of loneliness



## 6. CONSULTATIONS

### External

#### 6.1. **County Archaeologist: No Objection**

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

#### 6.2. **County Ecologist: No Objection**

Updated versions of the previous ecological survey reports have been submitted in support of the new application. It is understood that the impact to existing habitats (including trees) and the proposed habitat creation / enhancement is broadly the same as proposed under the previous scheme

6.3. It is recommended that the proposed development is approved in principle subject to the imposition of conditions, including a condition to undertake further bat surveys on s of the two moderate trees prior to any tree works.

#### 6.4. **Conservation Advisory Group: No Objection**

#### 6.5. **Environment Agency: No Objection**

No objection to the proposal provided that recommended conditions be attached to any planning permission granted.

#### 6.6. **Health and Safety Executive: No Objection**

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

#### 6.7. **Indigo Pipelines: Previous Application Comment**

If the applicant finds buried Gas Plant that are not marked or are incorrectly marked on record plans, then the applicant is required to contact us as soon as possible to give Indigo Pipelines the opportunity to amend records. There may be other privately owned buried Gas Plant in the area, which is outside the control of Indigo Pipelines Ltd. Attention is drawn to the need to take trial holes to determine the exact position and depth of buried Gas Plant to avoid the risk of injury to staff or damage to the existing Plant.

#### 6.8. **National Highways: No Objection**

This is on the basis that the development will be predominantly car-free and that the tenancy agreements will state that residents are not entitled to on-street resident parking permits. Consequently, the proposals will generate minimal additional traffic on the Strategic Road Network (A27) in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the Strategic Road Network.

#### 6.9. **Scottish Gas Networks: Previous Application Comment**

In the event that gas pipes are present within the site, 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. The applicant should, where required confirm the position using hand dug trial holes.

- 6.10. **Southern Water: No Objection**  
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 6.11. The Submitted surface water drainage information shows no flows greater than existing levels is to be connected to the system proving the betterment (limiting the rate of existing brownfield rate to a minimum 50% of the existing brownfield runoff rates) of the surface water system which is acceptable by Southern Water.
- 6.12. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.
- 6.13. **Sussex Police: No Objection**  
From a crime prevention perspective with regards to the co-living studios within the development, it will be imperative that access control is implemented into the design and layout of each block to ensure control of entry is for authorised persons only. To prevent the lift and stairwell providing unrestricted access onto a residential landing, each resident should be assigned access to their floor only via the use of a security encrypted electronic key both on the stairwell & landing door. An additional secure doorset prevents access to each landing from both the lift and stairwell
- 6.14. Further advice is given in relation to the Secured by Design scheme.
- 6.15. **UK Power Networks: Comment**  
Information provided in relation to the electrical lines and/or electrical plant, and regarding the use of their plans and working around their equipment.
- Internal
- 6.16. **Air Quality: Previous Application Comment**  
The vehicle trip contribution including servicing and other will be less than 100 per weekday. It is recommended that there is an avoidance of combustion on site - including gas boilers with emissions to air.
- 6.17. **Arboriculture: Comment**  
Original comment remains.
- 6.18. The Arboricultural Impact Assessment states that pruning in some instances will exceed the maximum recommendation stated within BS 3998: Tree work - Recommendations, this will have a detrimental impact upon tree health, the expectation post development pressure and the requirement for repeated intervention pruning to maintain a minimum of 1 metre clearance from structure, leading to the loss of the majority of trees currently in proximity.

- 6.19. The proposed development is within the root protection area for the majority of trees located upon the bank, although we cannot assume there is rooting activity within current hard standing, proposed excavation to enable foundation construction will remove any that had an opportunity to establish.
- 6.20. It is worth noting that access for both inspection and intervention work to the north bank will be highly complex once construction has been completed, placing a considerable burden upon the cemeteries budget, post development pressure to maintain clearance from structure, complaints relating to shading, leaf drop and wildlife ingress are to be expected from future residents.
- 6.21. BHCC Arboriculture are of the opinion that should consideration be to grant consent to development, the majority of current vegetation will require removal pre and post development, the team would also recommend Cemeteries arrange for an assessment of trees within their boundary to address safety issues raised within the tree survey.
- 6.22. **Economic Development: Previous Application Comment**  
Economic Development regrets the significant loss of B1(a) office floorspace within Brighton & Hove, however, this will be partly redressed by provision of co-workspaces at ground level on this site. Economic Development therefore welcomes the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who are struggling to find suitable and affordable workspace in Brighton & Hove. We also note that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace which we would welcome.
- 6.23. **Employment and Skills: Comment**  
Due to the size of this development, it would be categorised as a major development and as such would be subject to developer contributions in line with the council's Technical Guidance for Developer Contributions. Based on the information provided in the application, the contribution requested is £22,100 and will be included in a S106 Agreement.
- 6.24. In addition, as there will be demolition and construction phases involved in the development, separate Employment and Training strategies will be required in respect of both phases which should be submitted for approval 1 month before phase commencement.
- 6.25. **Environmental Health: Previous Application Comment**  
Historical mapping shows that 15-18a Melbourne Street previously operated as Salvage merchants, Scrap Iron and metal merchants. A contaminated land desk top study has been carried out and a Land contamination consultant has determined that the Councils con land condition and asbestos condition are required. The report has identified that asbestos may be a concern. If asbestos is found during construction it should be disposed of responsibly and taken to a licenced site.

- 6.26. An acoustic report has been carried out which states that the type of equipment to be installed has not yet been decided upon. Once this has been decided upon the applicant should ensure that equipment will meet the following criteria and that this should be conditioned
- 6.27. **Heritage: No Objection**  
It was acknowledged in previous Heritage comments relating to earlier versions of the proposals, which now relate to the previous scheme, that the greatest impact and greatest harm occurred in View 3, from 103 Roundhill Crescent. Since then, the proposals presented at this application have been further reduced in terms of its scale, bulk and better consideration of the design of the top of the buildings which are visible in conjunction with heritage assets and their settings. As a result, there is a considerable improvement in the visibility of the proposals and distant tree and horizon lines as per the photomontages provided, and especially in the view from 103 Roundhill. Therefore, although, there would be some harm to the settings of heritage assets, from the proposals, this harm would be considered 'minor', which could potentially be outweighed by other benefits which should be clearly demonstrated as part of a full application.
- 6.28. This identified harm should be given the appropriate weight in assessing the overall planning balance of the application.
- 6.29. **Housing Strategy: No Objection**  
Housing has general concerns regarding co-living as a housing type in terms of the overall numbers of people housed, affordability and living space provided. There are also some technical issues such as how Council Tax will be billed and paid and how utility costs are calculated that need to be clarified.
- 6.30. Housing accepts that the tenure and the nature of the proposed co-living concept does not lend itself to nominations from the council's Housing Register. Given this it is accepted that provision of on-site affordable housing is not possible and a financial contribution towards off-site provision is considered a positive solution in this instance if the application is approved. It is recognised that £2.5m was previously offered and agreed as acceptable.
- 6.31. Commuted sums are a policy position when affordable housing cannot be provided on site. Any payment will be used to fund council programmes providing affordable rented homes in the city.
- 6.32. Regarding rental affordability Housing would prefer to see non-essential items offered as optional add-ons to the rent rather than automatically included for all the rooms, particularly for the office space which is largest single obligatory add-on.
- 6.33. **Land Contamination Consultant: Comment**  
The report states there is no radon issue at this site. The radon maps for the UK were updated after this report was completed and this area now lies in a radon affected area.
- 6.34. The local government database shows there was:

- a. a salvage / scrap metal industry on the site in the north west corner.
  - b. A motor car and coach building business adjacent to the north west of the site (but within the extended development).
- 6.35. The team agree with the findings of this report that recommends a phase 2 intrusive site investigation for the site.
- 6.36. **Planning Policy: No Objection**  
Applying a ratio of 1.8 co-living units to one residential dwelling, the development would equate to 123 standard dwellings. This would contribute towards the housing target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3. There is a substantial five-year housing supply shortfall (which has worsened slightly since the figures reported at the BH2022/01490 appeal hearing). Therefore increased weight should be given to housing delivery when considering the planning balance, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 6.37. The applicant references a market assessment by JLL which provides evidence of likely potential demand for co-living in the city and has also submitted an Affordability Statement which provides some cost comparisons with alternative forms of private rented accommodation. The proposed rents would not be cheap but would be competitively priced towards the higher end of the rental market, particularly for those residents wishing to make full use of the onsite facilities provided. It is accepted that co-living development would increase the variety of accommodation available within the city. The flexible nature of this accommodation could be attractive particularly to younger, single people seeking high quality, modern rented accommodation as an alternative to shared houses or flats. As such, it is accepted that the development would increase the variety of rented accommodation available within the city.
- 6.38. Policy CP3 designates the Melbourne St Industrial Area for employment-led (residential and employment) mixed use development, however the net loss of employment space on this site was considered acceptable when determining the previous application BH2022/01490. The amended scheme proposes a slightly increased level of employment floorspace (940 sqm to 1,060 sqm) compared to BH2022/01490 which is welcomed. The co-working space would be available to both residents and non-residents and would allow for a variety of working formats.
- 6.39. **Private Sector Housing: No objection**
- 6.40. **Public Art: No objection**  
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.
- 6.41. **Sustainability: Comment**  
The Energy Statement is unchanged from the statement provided in 2022.

- 6.42. Clarification is required over the heating and PV proposals and whether they relate to the development as a whole or to individual buildings. Further clarification is needed on whether the residential and the non-residential parts of the development are being developed to the appropriate residential / non-residential standards - the Energy Statement lacks clarity on which standards apply to which parts of the development. The developers should ensure that they meet not only BHCC's planning policies but also the 2020 Building Regulations which came into force in June 2022. Conditions are recommended.
- 6.43. **Sustainable Drainage: No objection**  
The information submitted includes the surface water and foul water drainage strategy including drainage plans and accompanying information. These strategies are the same as proposed for the previous application, with calculations having the same results. The targeted discharge and attenuation rates and methods of capturing, attenuating and discharging runoff all are also the same as previously proposed.
- 6.44. The Lead Local Flood Authority (LLFA) has no objection to the current proposal. However, further information will be required at detailed design phase for full approval.
- 6.45. **Sustainable Transport: No Objection**  
Acceptable, subject to the inclusion of the included conditions, informatives and requests the implementation and ongoing monitoring of Residential and Workplace Travel Plans, secured through the Section 106 agreement, and a Section 278 agreement to deliver the proposed improvements to Melbourne Street, including a Stage 1/2 Road Safety Audit, which will secure the outstanding information.
- 6.46. **Urban Design Officer: Comment**  
In summary, amends to proposals are welcome in principle from an urban design perspective. However, some previous comments still stand. Submitted diagrams and visuals clearly present the relationship of the proposed to its neighbouring context in terms of impact of height and scale. The reductions in height are welcome and slightly improve the impact on their immediate context in terms of amenity and daylighting. The number of single aspect dwellings, including single aspect North facing dwellings has reduced in line with the reduction of height, particularly of Block A, which was previously raised as a concern.

## 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 City Plan Part Two (adopted October 2022);
- 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).

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open Space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
CP21	Student housing and Housing in Multiple Occupation
DA3	Lewes Road Area

#### Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM6	Build To Rent Housing
DM7	Houses in Multiple Occupation (HMOs)
DM9	Community Facilities
DM11	New Business Floorspace
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing

DM37	Green infrastructure and Nature conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
H1	Housing Sites and Mixed-Use Sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Guidance:

Co-Living Interim Planning Guidance Note

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the proposed development on the visual amenities of the site and surrounding area, the proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, biodiversity, and sustainability impacts must also be assessed.

**Principle of Development:**

Planning Policy Background:

- 9.2. The site is located within the DA3 Lewes Road Development Area. A key aim of this strategic allocation is to further develop and enhance the role of Lewes Road as the city's academic corridor by supporting proposals which:
- improve further and higher education provision in the Lewes Road area;
  - facilitate improved sustainable transport infrastructure that provides choice, including travel by bus, walking and cycling;
  - secure improvements to the townscape and public realm;
  - deliver inter-connected green infrastructure and biodiversity improvements, contributing to Biosphere objectives;
  - improve air quality in the Lewes Road area; and
  - deliver the amounts of development set out in allocations within Part B of the policy.
- 9.3. The Melbourne Street Industrial Area is located to the east of the Lewes Road District Shopping Centre and is identified as being in need of investment in the supporting text to policy DA3.
- 9.4. The application site is allocated in City Plan Part One Policy CP3 as part of the 'Melbourne Street Industrial Area' allocation for employment-led (residential and employment) mixed use development. The allocated site comprises the application site together with the smaller adjoining site to the west at 19-24



Melbourne Street (development approved under application BH2019/01820), along with the site at 123C Lewes Road. It is considered that developing the entire CP3.4 strategic allocation as one development, albeit phased, would have the potential for a more coherent development that overall makes better and more efficient use of the wider site in principle. However, this is subject to details of the development as assessed within this report.

- 9.5. Policy CP3 identifies the Melbourne St Industrial Area for employment led (residential and employment) mixed use development. This policy seeks to safeguard sufficient employment sites and premises to support job creation and the needs of modern business whilst allowing some mixed use. The existing Enterprise Point application site has been in a dilapidated state for many years and therefore its redevelopment would be welcomed in line with its inclusion as a strategic allocation in Policy CP3.
- 9.6. Since the previous application was determined at Planning Committee, the Council has published an Interim Planning Guidance Note for Co-living development in order to assist with the determination of planning applications for 'Co-living' housing development in the city. The need for this guidance has materialised as there are no direct references to co-living in the development plan, and there is likely to be increasing interest in developing this form of housing in the city. Although the City Plan does not include direct reference to Co-living housing, the Plan does include relevant policies relating to sustainable neighbourhoods, housing density, housing mix and quality, affordable housing, design, and protection of amenity.
- 9.7. The Interim Planning Guidance document sets out the background to co-living development, how the current local policy framework relates to co-living development, and consequently sets out the expectations for such development. This interim guidance is not new policy, but it is an informal note for Council officers and developers to help clarify how the existing policy is interpreted in the context of co-living development. The guidance was accorded very limited weight by the inspector at appeal for application BH2022/01490 but is still considered helpful as a framework to assess planning applications for co-living development.

Employment:

- 9.8. Policy CP3 designates the Melbourne St Industrial Area for employment-led (residential and employment) mixed use development. City Plan Policy CP2 'Planning for Sustainable Economic Development' supports the bringing forward of a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The wider employment role of the area in bringing forward employment floorspace is acknowledged in Policy DA3 through a number of strategic allocations and through the protection of existing industrial estates within the area. The permitted scheme (BH2019/01820) on the adjacent site included 587m<sup>2</sup> of co-working floorspace within a development containing 83 single-occupancy co-living units.

- 9.9. The existing Enterprise Point building has a current use of Class E and sui generis space with employment space of 3,962m<sup>2</sup>sqm. The proposed co-working space on the ground floor level within two buildings would total 1,060.m<sup>2</sup>, resulting in significant net loss of employment space. However, a similar level of proposed employment space was considered acceptable in the previous application BH2022/01490.
- 9.10. Policy CP3.4 allows for consideration of a net loss of employment space in certain circumstances. The existing floorspace within the building has been considered to be dated, in poor condition and not best suited for modern business requirements. Previous applications have accepted that the current buildings on site are unsuitable for ongoing commercial use, and that given the age and quality of the Enterprise Point building, refurbishment would not be viable. The redundancy of this building and the proposed level of employment floorspace provision is therefore considered acceptable here, and the regeneration of the site is welcomed in principle.
- 9.11. This proposed scheme would provide 1060.7sqm co-working space with 410 workplaces created in the two ground floor employment spaces. These workspaces comprise a mixture of desks, chairs at communal tables, sofas, and stools within ground floor level rooms.
- 9.12. The Council Economic Development team has previously welcomed the provision of this flexible and modern workspace to help address the challenges faced by Small and Medium-Sized Enterprises who may find it difficult to find suitable and affordable workspace, and that the space could encourage entrepreneurship of graduates through the provision of the business start-up space which is envisaged within the flexible floorspace. It is noted that demand for such space, particularly within a co-living development where residents have limited space to work within their own residential accommodation, could provide a flexible way of working as changes in working patterns and greater homeworking opportunities continue. Overall, it is considered that the level of employment floorspace proposed is satisfactory in relation to the requirements in policies CP2, CP3, DA3 and DM11 with regard to employment.
- 9.13. The proposed employment space would fall under the broad Class E (Commercial, Business and Service uses) within the current Use Classes Order. Therefore, a condition is required to restrict activities to E(g) in accordance with Policy CP3.
- 9.14. The location is well located for high density development, with good access to local facilities and services (including health, recreation, schools and utilities), and being well served by public transport.
- 9.15. To secure local benefits from the development coming forward, an Employment and Training Strategy would be secured by legal agreement for each phase to ensure at least 20% local labour is used in the construction of the development and requiring a contribution towards the Council's Local Employment Scheme.

#### Co-Living Housing:

- 9.16. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.17. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.18. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.19. The Melbourne Street Industrial Area is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) for an indicative 80 residential units. It was established during the determination of the adjoining site in application BH2019/01820 (and subsequently this application site under BH2022/01490) that sui generis co-living accommodation can be counted towards the city's housing target. The contribution towards the target is calculated at a ratio of 1.8 co-living units to one housing unit, as set out in the national Housing Delivery Test guidance. The proposed 221 units would therefore equate to a contribution of 123 housing units.
- 9.20. The proposed development of the site would therefore contribute towards the target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3 and there is therefore no objection in principle to co-living accommodation on the site. Further, policy DM6 of City Plan Part 2 relates to Build-to-Rent developments of which co-living is a variety which would provide professional and on-site management, and the application is considered to comply with this policy.
- 9.21. The type of occupation would be flexible, with short tenures available as well as long-term leases, and management of rentals is expected to be in-house which would reduce fees for renters. There would also be no utility bills and the use of the gym and other facilities including break out space, laundry etc would be included. Residential occupants would also be able to use the workspaces on the ground floor at no extra cost. Kitchen utensils, bed linen and cleaning services would also be included in the rent.
- 9.22. The Interim Guidance indicates that applications for co-living accommodation should be of a moderate scale (i.e. no more than around 100-200 units). However, in the appeal decision for application BH2022/01490, the Inspector considered the proposal for 269 co-living units would be acceptable when weighing its benefits against its adverse impacts. Therefore, this reduced

proposal for 221 units would be considered acceptable in terms of scale and potential impact.

- 9.23. Whilst the limited mix of housing types and sizes does not fully comply with Policies CP19, CP14 and DM1, the acceptability of a co-living scheme of this scale and nature has been established under application BH2022/01490. The double occupancy nature of the units is noted and would provide an element of flexibility for future occupants. The s106 would ensure that no full-time students could live in the development and that the residential accommodation could only be used for the purposes set out in the application.
- 9.24. On this basis the principle of the housing to be provided on the site is considered acceptable and beneficial to the housing need in the City, which must be given weight in determining the application.

Affordable Housing:

- 9.25. Policy CP3 states that for employment-led mixed-use sites, an appropriate mix of housing and provision of affordable housing will be required to comply with CP19 Housing Mix and CP20 Affordable Housing. Offsite provision via a commuted sum payment is an accepted policy position in schemes with exceptional circumstances.
- 9.26. Whilst sui generis housing models do not strictly have a liability for affordable housing provision, CP20 notes that affordable housing will be sought for all residential developments and it has been agreed that the co-living model contributes towards the city's housing target. As accepted under applications BH2019/01820 and BH2022/01490, the co-living concept, the tenure and the nature of the units at this development do not lend themselves to nominations from the council's Housing Register, and a financial contribution towards off-site provision is considered an acceptable solution.
- 9.27. For the previous application BH2022/01490 a commuted sum of £2,500,000 was agreed as an affordable housing contribution of significant benefit, and which has also been agreed to be provided in this application. This would be in the form a one-off payment which will be used towards the provision of affordable housing elsewhere in line with policy CP20. The basis for this calculation has been agreed with the Council Housing Strategy team and is considered to be acceptable and would be secured through a s106 legal agreement.

**Standard of Accommodation:**

Internal Layout:

- 9.28. The proposed co-living rooms have been reduced from 269 to 221 in this revised application. As a consequence of the reduction in numbers, reduced heights and improved separations distances away from site boundaries, overall it is considered the standard of accommodation is an improvement over the approved appeal scheme. The number of single aspect dwellings, including single aspect north facing dwellings has reduced in line with the reduction in height, particularly of Block A.

- 9.29. Generally, it is considered that the ground level internal spaces appear well proportioned and locations of secondary elements such as bin stores, cycle stores, and plant rooms etc. appear successful. The proposed development would provide co-working spaces conveniently located at ground floor level, which appear well proportioned and benefit from high levels of natural light. The provision of living space is proportionately distributed throughout the floors of the buildings. The upper floor corridors are long and double-banked, but they have end windows for natural light. The ground floor entrance lobbies appear to be generous in size that could accommodate seating/gathering space.
- 9.30. The single aspect units (i.e. units with windows facing only in one direction) could present an inhibited connection with the outdoors, poorer natural daylight levels and a reduction in natural ventilation. However, these are not self-contained units, and future residents would benefit from shared kitchen/lounge amenity spaces on each floor. Overall, there would be an average of 5.5 sqm indoor shared space per studio with around 9-12 studios per kitchen. The submission indicates that all studio and co-living rooms offer capacity for a sky view within the room and, with effective internal arrangements, may afford residents good outlook. As such, proposals are considered to optimise aspect/outlook for this type of housing.
- 9.31. The proposals would provide a co-living/co-working development, where the residential studios are sized below the Nationally Described Space Standard of 37sqm for a studio unit (instead mostly an average of 24sqm with larger accessible units). However, these are not self-contained units and so residents would not be expected to be solely living within the studio room, but would have access to common kitchen/lounges on each floor, as well as the co-working and other amenity spaces including gym. Each studio room is designed for dual occupancy potential (however it is likely that only a percentage will end up being used by couples or two persons sharing) and would contain an ensuite bathroom and a kitchenette.
- 9.32. The proposal includes 20 accessible units which are proposed as fully accessible for persons with disabilities.
- 9.33. There will be some inevitable level of mutual overlooking between the windows and balconies of the proposed buildings. The degree of overlooking in this scheme is inevitable in a development of this density and overall, the scheme is considered to be acceptable in this regard.
- 9.34. In regard to access standards, lift access is provided alongside each building staircase. The plans indicate that the first floor garden spaces would have level access at first floor level from within the buildings (in addition to stairs from ground floor level).
- 9.35. The applicant's fire statement technical note states that the fire safety measures include 'a sprinkler system, smoke vented corridors, a high level of compartmentation, and a dry riser in each block, with full firefighting shaft in Block A'. The Health and Safety Executive (HSE) have no objection to the

design, which will be considered further under later regulatory stages outside of planning control.

Outdoor Amenity Space:

- 9.36. The proposal would provide a range of shared external amenity space, including a landscaped central courtyard, first floor roof terraces and rear garden, which in total provide approximately 9sqm external space per unit. The provision of outdoor amenity space appears acceptable given the communal nature of the accommodation.
- 9.37. The central external amenity space will slightly decrease in size as a result of the movement of Blocks A, C and D further into these spaces. However, this would not be considered to be significantly detrimental to the use of this space for future residents. The movement of Blocks C and D slightly west would increase the size of the podium gardens on the east side of the site, which is positive. Due to a reduction in co-living rooms in this application, overall it is understood that there would be an increase in the actual amount of communal external amenity per person.
- 9.38. The central courtyard appears to be considered to be successful in its design between the blocks and would provide future residents with legible access to all entrances, as well as emergency vehicular access. The proposed first floor level roof terrace to the north would provide amenity space away from the likely more travelled central courtyard. The proposed eastern podium spaces would also provide quieter shared amenity spaces for residents with more focused landscape uses including food growth and communal gardening.
- 9.39. It is understood that the building will be always staffed, and that passive surveillance will be present throughout the day due to the entrance lobby located within the undercroft. Sufficient lighting would also ensure a welcoming and safe entry sequence here, details of which are required by condition.
- 9.40. Private amenity space is provided to some studio rooms facing into the courtyard via private balconies. Many studio rooms do not benefit from balconies (only 21% would), as they face neighbouring sites which would otherwise result in harmful overlooking and loss of privacy. It is also recognised that there needs to be a balance between number of balconies in relation to internal daylight compliance. The balance of provision was considered acceptable in the previous application and is therefore considered acceptable here.

Daylight/Sunlight:

- 9.41. The ratio of north-facing studio rooms is low, however the majority of studios are single aspect which limits the amount of possible internal daylight and natural ventilation. The updated results of the sunlight/daylight assessment suggest that 64% would meet at least the living room 1.5% average daylight factor and overall a third of the proposed rooms would be below recommendations. Most of the studio rooms below the recommendations are located at first and second floor, which can be expected of high density, tall developments. The sunlight provision was deemed to be good.

- 9.42. The submitted sun path studies of the external areas of the proposal raise some concern that the proposed external amenity areas and balconies would be subject to some shading during mornings and afternoons in both summer and winter, with limited sunlight in winter. This would be expected given that the outdoors spaces east of the site are narrow and close to existing and proposed buildings. The BRE suggests that ground floor landscape amenity spaces results would meet BRE guidelines. Overall, daylight/sunlight to the outdoor areas are considered acceptable given the constraints of tall development surrounding.

Noise:

- 9.43. Planning policy seeks to ensure that all new developments minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties, and the surrounding environment. A Noise Impact Assessment has been submitted to address potential disturbance from nearby sound sources. The Assessment concludes that noise would be a low risk factor in this instance as the site is set away from Lewes Road. Measures to ensure appropriate noise levels within units can be secured by condition.

**Design and Appearance:**

Context:

- 9.44. The site context is mixed in character. To the east is a neighbourhood characterised by small scale low rise late Victorian dwellings typical of development in the Hanover and Elm Grove ward extending up the side of the valley. The dwellings on Shanklin Road comprise part 2/3 storey terraced dwellings built into the slope facing directly onto the site with compact rear gardens. Opposite the north-east corner of the site is 29 Shanklin Road, a former dye works building was converted into 19 flats and studios in the late 1990's. The west flank of this building has its original windows facing directly onto the application site on the boundary itself. Some of these flats have a single aspect onto the current open car park of the site whilst others face north onto the cemetery or front Shanklin Road. Some corner units have both west and south-west facing windows on the splay.
- 9.45. To the north, the main constraint is the historic Woodvale Cemetery gardens featuring a large mature tree belt which overhangs the site. Viaduct Lofts, opposite the site on Melbourne Street is part 3, 4 and 7 storeys. Some of the flats face east to the site and have balconies. Viaduct Lofts was built in 2012 on the site of a former builder's yard having been allowed on appeal. The remainder of the character of Melbourne Street south of the site features small scale two storey Victorian terraced dwellings.
- 9.46. The south boundary of the site adjoins the playground of St Martin's Primary School but the school buildings are set back further to the south, accessed from Hartington Road. One other adjoining building to the south is Gladstone Court, a 4-storey late 20th century residential block of flats which has an east-west outlook.

Site Layout/Intensification of Use:

- 9.47. Historically the site was occupied by the railway viaduct on the line which served Kemp Town. The buildings on site are of no architectural or historic merit and

the demolition of existing has already been considered acceptable in principle. The existing Enterprise Point building is set significantly back from Melbourne Street, whereas the proposed layout would provide a street frontage building in this section of the street. This, however, would enable well orientated buildings and external spaces, including the creation of a south facing external courtyard. In the appeal decision, the Inspector noted that the significant setback of the building resulted in a poor relationship with the surrounding townscape.

- 9.48. The proposed development would increase the footprint of development significantly on site by developing close to the east and west site boundaries. The proposed layout would be a 4 to 6/7 storey block along the street frontage of Melbourne Street (Block A), a single storey block along the north of the site, a 6 storey block in the north-east corner, and 2 further blocks at 5 storeys along the east of the site (Blocks C and D).
- 9.49. The proposed general site layout has been shaped to generate improvements to the legible routes and the frontages, and has considered well the provisions of communal amenity spaces, legible frontage and public realm to Melbourne Street, and there has been good consideration for visual character with the adjoining approved development. Car parking access and spaces provided are well located to north of the site, and therefore separated from the pedestrian routes and amenity spaces in order to generate a more pedestrian and cycle friendly environment, which is welcomed.
- 9.50. The Inspector noted the set-back of Block A would visually blend with the Phase 1 development, and "the proposed public realm improvements would result in some landscaping and defined street frontage that would provide a more pleasant character and appearance than the existing car park on the site." There would be a separation distance of 16.7-18.6m between the western frontage of Block A and Viaducts Lofts on the opposite side of Melbourne Street, due to a further 2 metre set back of Block A in this application.
- 9.51. In terms of the intensification of the proposed use, the Inspector in the appeal decision (proposing 269 co-living units) stated as follows:  
*"The proposal would result in a significant number of a similar type of dwellings on the site. This would be likely to result in an increase of the number of comings and goings to the site and as such an increase of activity along Melbourne Street. This would be in keeping with the busy nature of Lewes Road which is a short distance away."*  
*"In addition, activity on Melbourne Street increases at school drop off and collection times. Moreover, the existing building would be likely to generate a considerable amount of activity when in full occupation. Accordingly, given the mixed use nature of Melbourne Street, and its close proximity to Lewes Road, the proposed density and use of the proposal would not harm the character and appearance of the area."*
- 9.52. On this basis, and as the current application reduces the co-living units to 221, it is considered the intensification of uses and large number of units proposed in the development would not represent an overdevelopment of the site.



Form/Scale/Massing:

- 9.53. The revised proposals in this application present a reduction in height for Blocks A by 1 storey on the northern part and 2 storeys on the southern part, and 1 storey each for blocks C and D. These reductions in height are a welcomed improvement on the previous approved application.
- 9.54. Due to the height of Block A, the scheme falls under the City Plan definition of 'tall buildings' in Policy CP12. Although the site does not lie within an area specifically identified as suitable for significantly taller buildings, there are a number of tall buildings within the vicinity of the site.
- 9.55. The current mid 20th century Enterprise Point building has a large footprint centred in the middle of the site but it does provide a larger open area around 3 sides of the site which mitigates its height and impact on the urban form and its neighbours. The exception is the east side of the site where the building line is much closer to the east boundary.
- 9.56. In the appeal decision, The Inspector noted Viaduct Lofts is set fairly close to the back of the pavement, resulting in an enclosed character at this corner of Melbourne Street. Viaduct Lofts at 7 storeys maximum does step down in height along its north and east frontages to reflect the more domestic scale in the streetscene particularly on Melbourne Street and this also has the effect of reducing its bulk in townscape views.
- 9.57. The key views of the proposed development are predominantly short/mid-distance urban landscape views (both from public views and neighbouring residential vantagepoints) and the approach views of the site on Melbourne Street. These are from Melbourne Street itself in the approach from the south, and also the viewpoint starting from the Lewes Road junction and the approach towards the proposed Block A along Melbourne Street from the west.
- 9.58. In the appeal decision, the Inspector considered the proposed 6/8 storey Block A building would not be significantly taller than the taller part of Viaduct Lofts or Phase 1, and so it would not appear overbearing or unduly dominant in the views from the west. The proposal (now a reduced 6/7 storeys in this corner) would provide a new street frontage from this part of Melbourne Street, and the street-scene has been well considered in the context of what exists, as well as appropriate context with the approved 4-6 storey development at 19-24 Melbourne Street, which if built would reinforce the enclosed character of buildings on this part of the street.
- 9.59. The Inspector did raise concern regarding the views of the proposed development from the close-range view from the south, and stating "...the abrupt change in scale from the 6 storey proposed buildings to the school playground, adjacent 2 storey school buildings and 2 storey dwellings would appear discordant, resulting in an adverse effect on the character and appearance of the area."
- 9.60. However, in the planning balance, the Inspector gave significant weight to the proposed contribution of a substantial number of housing units, the shortfall of

housing supply as the Council are unable to demonstrate a five-year supply of housing, and the agreement of the affordable housing contribution where there is an acute need for affordable housing. The Inspector concluded that given the significant weight attributed to these benefits of the scheme, the adverse effects of harm to the character and appearance of the area "would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole".

- 9.61. The Inspector referenced the proposed (Block A) 6 storey façades facing the school and Viaduct Lofts which would diminish the spacious feel that is currently experienced along the road due to the set back of the existing building. However, in this current application, this would no longer be the case as Block A is now proposed to drop down in the position alongside the 3 and 4 storey parts of Viaduct Lofts. Block A is now proposed at 4 storeys to the South, where it directly faces Viaduct Lofts, which presents a more comfortable composition of the street scene. The Inspector also noted that the range of materials and the proposed arrangement of windows would break up the massing of the southern facades facing the school to an extent, as well as the proposed courtyard between the western and eastern blocks allowing views through to the north boundary belt of trees beyond.
- 9.62. The height and proximity of the proposed buildings in the development would create a somewhat enclosed feel to the street environment, however overall, it is considered the increased separation distances and reduction in heights of buildings would lessen the adverse impact set out in the previous appeal decision, and in any case any remaining adverse impact would not be so significant as to outweigh the benefits of scheme.
- 9.63. The other key views are of vantagepoints from within the private residential properties of Shanklin Road looking west. The 5 or 6 storey heights of Blocks B, C and D are sympathetic to heights of adjacent Shanklin Road properties, remaining below the roofline of these properties in elevation. In the previous appeal decision, the Inspector highlighted that Shanklin Road properties such as those opposite the proposed Blocks B and D currently do not face buildings in close proximity. However, the Inspector highlighted that the proposed blocks were broadly a similar height to the existing building, the ground level of Shanklin Road is significantly higher compared with Melbourne Street, and the proposed height of the buildings would result in parts of the sky being generally seen in views from Shanklin Road. Therefore, given this and the further 1 storey reductions in height of Blocks C and D, it is considered the proposal would not appear unduly bulky or dominant in these views.
- 9.64. The proposed single storey connecting part across the northern site boundary is considered successful in generating a defined edge to the courtyard, but also reducing the sense of enclosure and still enabling open views of the existing mature tree canopy from the courtyard.

Impact on nearby Heritage Assets:

- 9.65. To the immediate north-east of the site is the grade II registered park and garden of Woodvale Cemetery, with the conjoined Gothic chapels being grade II listed,

as well as some of the monuments within the site and the North Lodge in the entrance driveway (a short distance from Enterprise Point) also grade II listed. The Extra-Mural Cemetery is further to the north (which is a locally listed heritage asset).

- 9.66. Further to the west rising up the west side of the Lewes Road valley is the Round Hill Conservation Area which is a largely residential late-Victorian area notable for its long terraces of houses on rising ground. Two of the groups of formal mid-Victorian terraces in Round Hill Crescent are grade II listed, including numbers 101-113 at the north-east end. The scale, height and proposed materials of the proposed development have been required to take account of the setting of the conservation area from within the Round Hill area and in longer views across the valley from east of the site.
- 9.67. The applicant has presented the perceived long-distance impact of the proposed development in submitted Photomontages and the Townscape & Visual Impact Assessment. Having regard to the Inspector comments in the appeal decision that the proposal would preserve the significance of the Roundhill Conservation Area and would enhance the setting of heritage assets to the north by replacing the existing building, it is considered that the current proposal reduced in height would have no significant impact on heritage assets and the longer-range townscape views.

Appearance, Detailing and Materials:

- 9.68. There is clear intent to achieve visual cohesion with the approved Phase 1 on Melbourne Street and this approach is strongly supported. This includes the use of arched ground / first floor apertures (reference to the historic viaduct) which would be slightly narrower in proportions to that of the approved Phase I which would provide some diversity within the elevations.
- 9.69. The primary material would be light brown brick (with secondary off-white/sand shades) in keeping with more recent development along the Lewes Road corridor, as well as the Phase I development on the western adjoining site. The elevations feature strong architectural features and a depth to the elevation featuring concrete banding, brass coloured window/door frames, and light bronze window panels, The metal clad top floors with a standing seam would contrast well with the brickwork on the floors below.
- 9.70. The proposed arched entrance to Block A fronting Melbourne Street is located strategically for long views and would generate a strong sense of arrival to the site. Windows into the North façade of Block A at ground floor are likely to improve passive surveillance over the undercroft.
- 9.71. Overall, the materiality proposed is considered acceptable and is seen to be complimentary to that which exists and the approved Phase I. Some of the visuals indicate public artwork to the entrance walls of Melbourne Street. A contribution will be secured towards public art, in accordance with policy.

Landscaping/Public Realm:

- 9.72. The character of Melbourne Street would be significantly improved by incorporating planting alongside more controlled parking arrangements, an overall improved pedestrian environment and improved surface materials. The movement of Block A by 2m to the east will increase the public realm along Melbourne Street, which is considered an improvement.
- 9.73. The landscape proposals within the main site area are considered to have developed successfully and include varied levels and locations which provide different character areas and potential functionality for future residents. The indicative planting palette appears diverse and appropriate to environmental conditions in each area, with a drainage strategy includes some SUDS features including blue / green roofs and rain gardens in strategic locations which will both attenuate and filter pollutants from surface water runoff.
- Impact on Trees:
- 9.74. No changes are proposed to that of the previous application.
- 9.75. The site currently comprises buildings and hard standing with little in the way of vegetation, and is therefore of relatively low ecological value. The main ecological significance is the impact on the belt of trees on a step bank to the north which create a significant backdrop to the site and grow over the site from the cemetery land forming part of Woodvale, Extra-mural & Downs Cemeteries LWS with extensive evergreen spindle, consisting mostly of elm and sycamore mature trees. Some of these trees overhang the car park of the existing site.
- 9.76. The proposed development would require the removal and pruning of some trees along the northern boundary and within the LWS. The submitted Arboricultural Impact Assessment and accompanying Tree Constraints and Protection Plans set out the following detailed proposals:
- removal/partial removal of 13 tree/tree groups (G67, T72, T76, T77, T80, T81, T94, T95, T96, T97, T102, T103)
  - pruning of 6 tree/tree groups (T73, T82, T83, T87, T90, G93)
  - all tree works to be completed before the development begins
  - arboricultural supervision during construction for T70, T73, T82, T87, T90, G93
  - retention (with no pruning) of 18 tree/tree groups
  - planting of 8 replacement trees (separate from those in the planting scheme)
- 9.77. The proposals have identified the existing trees to be removed (mostly rated Grade C, and also 3x Grade B, 3x Grade U, and no Grade A) which are growing and leaning over the site boundary, and would retain those trees which are the most important on the north boundary. There are no objections to the removal of other more low-quality specimens on the site.
- 9.78. There are concerns about potential impacts of the development on the existing canopy and root system of the northern tree belt. The Arboricultural Team have raised concern about the level of pruning set out in the submitted Arboricultural Impact Assessment and the impact on tree health. This is a similar situation to the trees proposed to be removed and/or pruned as approved under the development at the adjoining site immediately to the west (BH2019/01820). As

with the proposed tree works on this neighbouring site, this affects a tree belt that is visible from longer distances and trees form an important woodland landscaped avenue inside the historic setting of the crematorium entranceway, and so the amenity level here is high. However, it should also be considered that retaining all of the trees and/or replacing them on site would result in significant impact to site layout, design of development and quality of accommodation provided.

- 9.79. The impact on the individual trees would be harmful and replacement planting and maintenance would be required to mitigate the harm. Whilst the impact on the individually identified trees is regrettable it should be seen in the context of the whole tree belt, and which would be subject to a management scheme to the impacted parts. Any works to trees overhanging the site could be carefully managed under supervision and could be covered by a planning condition. The harm caused to the tree belt would need to be weighed up against the mitigation within the scheme and the overall benefits of the scheme in reaching a recommendation.

Ecology/Biodiversity:

- 9.80. The impact to existing habitats (including trees) and the proposed habitat creation / enhancement is broadly the same as proposed under the previous scheme.
- 9.81. The existing site buildings (including the one now demolished) has been assessed for bat roost potential and considered to have low levels of activity. The submitted Bat Survey Report recommends a precautionary approach to the demolition of Enterprise Point, and bat mitigation would be required within a Protected Species Method Statement (Biodiversity Method Statement) secured by condition. Artificial light can negatively impact on bats by causing disturbance, affecting feeding and increasing chances of being preyed upon. The County Ecologist has highlighted that the north of the site is dark at night, and so a sensitive lighting strategy to avoid light spill onto the LWS is required by condition. Some of the mature elms on the north boundary have the potential to support roosting bats, and following comment from the County Ecologist, the applicant has submitted a Preliminary Tree Roost Assessment, and the Ground Level Tree Assessment identified two trees as having moderate bat roosting potential. Further surveys of these trees are required prior to their removal. A Preliminary Roost Feature Inspection/emergence/re-entry surveys are required by condition to determine presence or absence of bats. A precautionary approach to the removal of the other trees with low roosting potential and associated mitigation measures should be detailed in the Biodiversity Method Statement required by condition.
- 9.82. The County Ecologist has also highlighted that the site and adjacent woodland/LWS have potential to support breeding birds. To avoid disturbance to any nesting birds, demolition or removal of scrub/trees that could have nests should be carried out outside the breeding season or a nesting bird check should be carried out prior to any demolition/clearance works. All bird mitigation should be set out within the Protected Species Method Statement required by condition.

This will also require mitigation for other species that may be supported in the adjacent woodland/LWS including dormice, badgers, hedgehog and slow worm.

- 9.83. Conditions are required to ensure protection of trees during construction and a sensitive lighting strategy to avoid light spill onto the LWS. A CEMP is also required by condition to provide mitigation in respect of noise, light and dust pollution during construction.
- 9.84. Policy DM37 states that development should seek to conserve and enhance biodiversity ensuring an additional measurable net gain in biodiversity is achieved, and should incorporate swift boxes and bee bricks where possible. The submitted Preliminary Ecological Appraisal recommends the use of bird/bat boxes installed on trees or incorporated into building design and landscape planting. Given the loss of 13 tree/tree groups that provide both potential current and future roosting habitat, the County Ecologist recommends general purpose bat boxes are installed. Details of proposals are required by condition as part of an Ecological Design Strategy. Swift bricks are also recommended and required by condition.
- 9.85. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees. A condition requiring bee bricks has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.86. In terms of biodiversity net gain, the proposals includes new/replacement trees (12 trees according to the Sustainability Statement, but a greater number is shown on the submitted landscaping plans), various planting types, over external green landscape and gardens split in to 5 different zones, biosolar roofs between 5th-7th floors including green roofs providing chalk/flower rich grassland habitat. The aforementioned proposals for bird/bat boxes will also provide opportunities for further net gain. The landscape strategy proposed indicates that biodiversity net gains are likely to be achieved. Full confirmation for addressing enhancement of the site to provide biodiversity net gain is required as part of an Ecological Design Strategy required by condition.

**Impact on Amenity:**

- 9.87. From the design development, it is evident that the proposals have carefully considered how the tall buildings respond to their neighbours and mitigation measures such as redistribution of height to more appropriate areas of the site, increasing window distances, consideration of location of balconies and orientation of buildings are all welcome.
- 9.88. The amended Design and Access Statement document submitted provides comparison visuals comparing short views of the existing from key neighbouring locations, with proposed. These provide a better understanding of the impact of proposals and outlook on neighbouring context.

- 9.89. The site is relatively constrained on most sides due to the proximity of neighbouring properties, and so it is expected that there would be some impact arising with a tall building development on this site. It should be highlighted that a tall building already exists on the site, and if the site was used to its optimum capacity as existing, there would be a greater level of neighbouring impact than exists currently used. The constraints of the site, the improvements to the massing of Blocks A, C and D, and the benefits of the scheme in the site layout have been fully considered in the planning balance.
- 9.90. The applicants have carried out a revised daylight/sunlight assessment of neighbouring developments on the reduced height scheme, and this takes account of the impact on neighbouring residents in Shanklin Road, Viaduct Lofts and dwellings in Melbourne Street as well as Gladstone Court, Gladstone Place, Hartington Road and St Martins Primary School to the south. The assessment has been peer reviewed by the Building Research Establishment (BRE) for the Local Planning Authority.
- 9.91. In the appeal decision, the Inspector concluded that the proposal would harm the living conditions of neighbouring occupiers with regard to an overall moderate light impact to Viaduct Lofts and some other neighbouring properties, and moderate privacy impact when future occupiers would be stood at their windows with views towards Viaduct Lofts and Shanklin Road. However, as with the impact the character and appearance of the area, the adverse effects on the living conditions of neighbouring occupiers "would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole." Therefore, the overall adverse impact in this application is also not considered to outweigh the benefits of the scheme, and the adverse impacts have been somewhat reduced with the amendments to the height of the development, as presented in more detail below:

Shanklin Road:

- 9.92. The submitted revised visual sections across the site and the visuals from neighbouring property perspective are welcomed in order to provide further clarification of the impact of the proposed development, especially with regard to visually establishing the differences between the existing building and proposed east blocks. This is particularly helpful in clarifying further the land level change east-west through the site, with an 8m land level lower than the neighbouring gardens at Shanklin Road.
- 9.93. The existing Enterprise Point building is 6 storeys, and its upper floors currently dominate the outlook of most of the rear of dwellings in Shanklin Road opposite. Currently Nos 11, 13 and 15 do, however, enjoy an uninterrupted outlook from their rear windows between Enterprise Point and Gladstone Court whilst No.17 has a partially obscured outlook. West facing windows in No 29 Shanklin Road at the north end of the terrace currently have no obstructions affecting their outlook to the parking area whilst some units have south-west facing windows on the south west splay of the building which face the current building.
- 9.94. No.27 faces onto the current building but currently benefits from an indirect outlook to the north-west onto the car park aided by the splayed corner of No.29.

The proposed reduction in heights of Blocks C and D are sympathetic to heights of adjacent Shanklin Road properties, now further below the roofline of these properties in elevation. Blocks C & D would now be a further 0.5m and 1m respectively, west away from Shanklin Road.

- 9.95. It should be highlighted that the proposed design includes the ratio of glazing on the east elevation reduced from the existing Enterprise Point building, angled windows are proposed on the top two floors of Blocks C and D and top 4 floors of Block B, and no balconies proposed along the eastern facade directly facing Shanklin Road.
- 9.96. The flats at no. 29 Shanklin Road are located directly north-east of the site and has been converted from commercial use and so the windows appear large which would help rooms within retain daylight. Loss of sunlight would not be an issue here as the majority of the windows on the relevant façade face north of due west, and the southerly windows would not be significantly affected. The results of the submitted sunlight/daylight analysis indicate five ground floor windows (of the 43 analysed) would still be below the vertical sky component (VSC). The applicant (with agreement by BRE) has highlighted that no. 29 Shanklin Road has windows directly on the site boundary and so a loss of light could be expected. One ground floor room (previously two) would be below the daylight distribution guideline, and the BRE consider this as a minor impact.
- 9.97. In the previous application, the most impacted properties on Shanklin Road in terms of daylight were nos. 11, 13 and 15 due to the proximity of Block D built between the current gap between the existing Enterprise Point building and Gladstone Court to the south. The BRE review indicated a minor impact to daylight these properties, whereas in this application it is assessed as negligible. Loss of sunlight is not considered a significant factor here. Loss of sunlight to gardens at 7-27 Shanklin Road would be assessed as negligible. Overall it is considered there would be significant improvements to the adverse impacts on these properties.

Viaduct Lofts and Melbourne Street:

- 9.98. Viaduct Lofts is to the west of the development site on the opposite side of Melbourne Street and includes a three storey element to the south and a seven storey block of flats to the north. East facing windows in Viaduct Lofts would be affected by the proposed development due to the proposed development being opposite the 7-storey element of the building. However, Block A would now drop down to 6 storeys at its nearest point opposite the tallest and most impacted part of Viaduct Lofts. As previously outlined, there is also now a greater distance proposed between these buildings. The appellant's Sun Path Analysis indicates a greater summer overshadowing coverage, in comparison with the existing site, towards east and north-east elevations of Viaduct Lofts in the morning as the sun rises.
- 9.99. The applicant daylight/sunlight assessment on the revised scheme suggests 13 windows of Viaduct Lofts would be below the VSC guidelines (previously 30) and 10 rooms below the daylight distribution guideline (previously 15). Two living rooms (leading out to balconies) would be below both the annual and winter



sunlight guidelines. The overall results are therefore improved compared to the previous approved scheme but still with areas below the BRE guidelines.

- 9.100. The impact here has to be viewed within the context of the constraints of the site and its context. Viaduct Lofts is a tall development itself and with windows located right up against the pavement, and although this is different to the situation with 29 Shanklin Road (as there is a road in between sites), the nature of the height and proximity of Viaduct Lofts to the street frontage, along with rooms with in some cases deep single aspect rooms and provision of balconies, means that frontage development of any reasonable height would have some significant impact on the sunlight/daylight of Viaduct Lofts. It should also be acknowledged that the development site is allocated for redevelopment, and if the site was to not include a Melbourne Street frontage building, then this would have a detrimental impact to the site layout of development with negative impact on quality of accommodation, density of development that may impact on viability of redevelopment, or other site boundary/neighbouring impact elsewhere.
- 9.101. The submission now sets out where proposed windows in Block A will directly face Viaduct Lofts and how visual/overlooking impact on neighbouring amenity will be mitigated through assumed different floor levels and obscured glazing. This provides some clarity on the impact of overlooking of Viaduct Lofts, separately to the additional 2m set back and height reduction, which will overall improve the impact here.
- 9.102. The site is located on a narrow street and it is recognised that in a historic street within a higher density urban grain, privacy expectations are lowered and achieving greater separating distances is not practical. In terms of privacy and overlooking, the relationship of facing dwellings will not be dissimilar to those on the same street around the corner to the south where the terraced houses in Melbourne Street face each other. It is considered that the separation distances are not dissimilar to the surrounding area given the sites urban context, and in some case better than the distance between Viaduct Lofts and the approved 'Phase I' development.
- 9.103. Previously it was considered that No 10 Melbourne Street to the south (separated from the development site by the school playground with its side elevation facing north with no windows) would suffer a minor impact to daylight and at other properties on the street the guidelines would be met. In this scheme (with the reduced scale of Block A) the loss of daylight and sunlight has been assessed as negligible.

St Martins Primary School and Gladstone Court:

- 9.104. The existing Enterprise Point building is a commercial building which has large windows which overlook the school at present, with opportunity for employees' views of the school grounds so it is not considered the development would significantly worsen this situation. The school buildings are set well back from its north boundary and given the current height of buildings on the application site and relationship to the boundary, daylight issues would be very limited by the

site's redevelopment. The sunlight/daylight impact was previously assessed as minor and would now be negligible.

- 9.105. Gladstone Court is directly to the south of the eastern portion of the development site. It is orientated east-west with only minor windows on its north end thus it was anticipated that significant daylight issues would not arise from the redevelopment of this site. The daylight impact was considered to be minor to one window (previously 3) significantly affected, with loss of sunlight not considered an issue as the development is to the north.

Gladstone Place and Hartington Road:

- 9.106. As before, the daylight assessment indicates that properties analysed at Hartington Road further to the south would meet the BRE guidelines with a negligible impact, and loss of sunlight not an issue with the development to the north.

- 9.107. Gladstone Place is located to the north, with nos. 10 to 26 (evens) previously analysed suggesting a minor daylight impact was deemed likely. The results suggest 12 (previously 14) rooms overall (to nos. 10-20 evens) would be below the daylight distribution guideline, and would therefore remain a minor adverse impact. Loss of sunlight at the rear of Gladstone Place properties would meet the BRE guidelines.

Noise Impact:

- 9.108. The applicant has submitted an operational Management Plan which covers a wide range of issues including onsite management and staffing, moving in and out arrangements, cleaning and servicing, maintenance and repair, security and fire safety, the operation of the communal facilities co-working space and gym, and wider community liaison.

- 9.109. The co-living rented units would be managed on site so that amenity issues could be addressed immediately under a management plan with sanctions for anti-social behaviour. Thus, more noise control would be possible in the proposed development than from any other buildings nearby, and in a similar situation to that of the approved 'Phase I' development. Concerns about potential noise issues have been raised, and it is considered that the management of amenity areas would be controlled by condition. The provision of formal loading facilities would also improve the congestion and unauthorised parking in the street which can sometimes be a catalyst for noise and disturbance. During construction, a CEMP provided by condition can ensure there is no undue noise or disturbance, or traffic disruption. A finalised management plan would need to be secured through planning condition.

**Sustainable Transport:**

- 9.110. Melbourne Street is characterised by being a narrow one-way street in a horseshoe shape with an entrance and exit onto the A270 Lewes Road which forms part of the local strategic road network. Melbourne Street provides direct access to the existing Enterprise Point site and other residential and commercial uses and St Martin's Church of England School. The road is in a Controlled Parking Zone with a mix of double yellow lines, resident permit and short stay

pay and display parking. The site is located near to Lewes Road which is a key transport route into the city and benefits from ample bus services with a bus stop at the end of Melbourne Street, and direct access into the city centre, and train services. The site falls within an area where parking restrictions are in place. The existing site includes a car park, and suffers from poor pedestrian environment particularly around the northern section of Melbourne Street.

9.111. A Construction Environmental Management Plan (CEMP)/Demolition Environmental Management Plan (DEMP) is recommended to be conditioned. This would seek to address concerns about safety, amenity, noise and traffic during construction.

9.112. At appeal, the Inspector stated the following:  
*"I acknowledge local concerns including regarding traffic and associated noise and air quality. The Transport Statement submitted with the appeal compares the trip generation associated with the proposed co-living use, with the existing office use. It concludes that the proposed development would result in fewer vehicular trips than in the existing situation and would increase the use of more sustainable transport modes. Therefore, it has not been demonstrated that the proposal would result in adverse effects on this respect."*

9.113. There are no significant changes to the transport proposals, which are considered in detail below:

Site Access:

9.114. The proposed development has a pedestrian- and cycle-only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space. The proposal includes the widening of the eastern footway on Melbourne Street to provide space for an inset loading bay. The development proposes an undercroft car park with a new access into the car park provided from Melbourne Street. The Local Highway Authority (LHA) has previously accepted swept path analysis provided by the applicant.

Servicing/Deliveries:

9.115. The applicant proposes to widen the footway on Melbourne Street and provide an inset loading bay which would accommodate delivery trips generated by the proposed development and refuse/recycling collections. Access management measures including communal post rooms provided at the entrance lobbies are in proposed to consolidate delivery trips where possible. A Delivery and Servicing Management Plan (to manage and monitor deliveries generated by the co-living and co-working uses effectively and efficiently) and details of inset loading bay, as well as proposed Melbourne Street improvements, are required by condition/s106.

Vehicle Parking

9.116. The applicant proposes that residents shall not be permitted to apply for permits or visitor permits, and the terms of the tenancy will prohibit this, with residents to advise visitors of the car-free nature of the site and encourage alternative modes of travel. However, the terms of the tenancy cannot be controlled under the

planning application, and so the site still has the potential to result in overspill parking onto surrounding residential roads. The site is located in a Controlled Parking Zone (Zone V) which will mean demand for parking is already managed, and double yellow lines restricting parking on surrounding streets. The site is also in a sustainable location and as such occupiers would not be solely reliant on car travel to meet their day-to-day needs. If necessary, parking permits for residents of this development could be restricted through processes separate to planning. As the issuing of permits is beyond the remit of the Local Planning Authority, the informative advising the applicant that the Local Highway Authority may restrict permits to residents is attached.

- 9.117. Further, measures in the Travel Plan including the use of the car club cars and bays to be secured by condition would also further increase travel by sustainable modes. The Bikeshare hub with 10 bicycles would be secured through S106 agreement.
- 9.118. The site is located within a Controlled Parking Zone and this proposed development is intended to be car-free. However, there would still be the potential for visitors to the development to create demand for nearby on-street parking and residential parking bays. The submitted parking surveys show there is limited but enough spare capacity locally to accommodate the demand from the residential visitors.
- 9.119. The very nature of the co-living and co-working concept reduces the need to travel and is more sustainable than a typical flatted development. Amenities proposed within the scheme such as gym and laundry areas would further reduce the need to travel outside of the development which would assist in creating and maintaining a sustainable neighbourhood in accordance with Policy SA6 'Sustainable Neighbourhoods' of the City Plan Part One. More so, the site is also located within a very short walking distance from a range of established local facilities and services on the Lewes Road. It is therefore considered that in this instance, any potential harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 9.120. A total of 15 parking spaces are proposed at ground floor level comprising 8 no. disabled parking bays, 4 no. electric car club bays and 3 no. allocated parking bays (which are subject to legal covenant and retained for existing use). The parking provision and layout is considered acceptable.
- 9.121. SPD14 advises that at least 10% of the car parking provision should have electric charging facilities, whilst at least a further 10% should have 'passive provision' allowing for their easy future conversion. Four car club bays (with electric cars) and active electric vehicle charging provision (EVCP) for all four are proposed for the proposed development. Provisions for electric charging provision for scooters/e-bikes are required by condition.

Cycle Parking:

- 9.122. The proposals do not incorporate a segregated cycle lane within the site, however the site layout provides an improved pedestrian and cyclist friendly environment to that of earlier applications and pre-application versions. The

proposed cycle storage would be at ground level and easily accessed via the central courtyard, which would prioritise and promote active travel.

- 9.123. There are two cycle stores proposed at ground level within the application site: one at the south-eastern corner of the site, accessed from the courtyard and one at the north-eastern corner of the site access from the car park. The applicant proposes a total of 280 cycle parking spaces, mostly of which are proposed to be provided within the onsite communal cycle parking store. Also proposed are an additional 24 additional short-term spaces within the ground floor external area for visitors and co-workers, using Sheffield Stands. Whilst the proposal exceeds the policy compliant cycle parking quantum, the quality of cycle parking type is not considered fully accessible for all (over reliance on two-tier stands), and therefore further details of design are required by condition to ensure appropriate level of provision of Sheffield stands for larger bicycles (recumbent bicycles and cargo bikes).
- 9.124. Provision (10 spaces/bikes) of short-stay cycle parking provision could be provided in the form of a Bike Share docking station and the remaining could be delivered in the form of Sheffield stands (i.e. 5 in the on-site public realm). Further details are required by condition/s106. Electric charging and parking provision for bicycles (of different sizes), scooters and electric bikes is also required by condition.

Trip Generation:

- 9.125. The applicant provided multimodal trip generation information within the submitted Transport Statement and takes into account the reduction in co-living units proposed in this application. The existing trip generation sets out that the existing site when operational the site generated 109 trips, 85 trips and 884 trips in the morning, evening and across the day respectively. Further to additional information provided, the net change trip generation suggests the proposed development would result in 50 and 31 additional trips in the AM and PM peak hours respectively, with the majority of these trips expected to be on foot, train or bus. The Local Highway Authority expects that some of these trips would be by car (given the Blue Badge and Car Club spaces proposed), however as the on-site parking provision is low, the number of trips is expected to be negligible. The forecast increase in trips during the AM and PM peak hours is expected to have a non-material impact. Furthermore, the applicant has clarified that the trip generation is expected to be less for the proposed development, given that there is expected to be internalised trips between the proposed co-living/coworking uses.

**Sustainability:**

- 9.126. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The applicant has submitted a Sustainability and Energy report and there are no changes to the sustainability proposals.
- 9.127. The proposals include a considerable solar PV array on the roofs of all proposed blocks, and air-sourced heat pumps for heating and hot water. Building

Management Systems are to be incorporated to monitor energy and water usage, with facilities in place to encourage residents and workers to reduce their energy and water consumption. It is noted that there is a low ratio of north-facing studio rooms, and as such the overall reliance on mechanical environmental systems is likely to be significantly reduced. The buildings would be insulated with optimised glazing/wall ratio (balancing between daylight and heat loss), and insulation is proposed on the outside of structural elements, which is supported.

- 9.128. Water standards shall be secured by condition to addresses policy CP8 requirements. A further condition is proposed to secure a BREEAM rating for the non-residential element of the scheme.

**Other Considerations:**

Air Quality:

- 9.129. The site is not located in an Air Quality Management Area (AQMA), however the AQMA is located nearby to the west on Melbourne Street and along Lewes Road. The submitted Air Quality Assessment states that a detailed assessment on operational impacts is not required on the basis vehicle trips generated by the proposed development will be low, and the proposal will result in a reduction of vehicle trips on the network (when compared with the existing office site), as set out in the trip generation of the submitted Transport Assessment. The proposed development is proposed to be 'car-free', with the exception of Blue Badge parking and car club cars, so it is expected that vehicular traffic trips generated by this development is to be relatively low. The proposed development is therefore considered not to add sufficient traffic to warrant a detailed air quality assessment. On the grounds of air quality there is no objection to the proposals.

Archaeology:

- 9.130. The applicant has submitted a desk-base archaeological assessment that indicates that given the historical construction on the site, the potential of the site to contain in-situ below ground archaeological is low. The County Archaeologist broadly agrees with the assessment, however, has highlighted that the assessment also identifies some potential for deposits of at least local significance to be exposed/disturbed. Therefore, it is recommended that the proposed construction works be subject to a programme of archaeological works which would be secured by condition.

Sustainable Drainage/Flood risk:

- 9.131. The submission sets out an outline SUDs strategy that has the potential to be well integrated with the landscape proposals, including green and blue roofs and rain gardens. The intention to integrate the drainage strategy with the landscape proposals are a welcome part of a landscape-led approach. Full details of the surface water drainage strategy are required to ensure SUDS features are key components.
- 9.132. The site is understood to be situated immediately adjacent to surface water flow paths along Melbourne Street, and parts of the site itself are at low risk of surface water flooding. The Council Flood Risk Officer has stated that the site is not considered at significant risk from any other sources of flooding. Recommended

conditions can adequately deal with any future flood risks in accordance with development plan policies. The applicant should obtain approval from Southern Water for connection and discharge to the foul water network.

Land Contamination:

- 9.133. The previous use of the site, as former railway land and adjacent to a number of former industrial activities, is deemed by the Environment Agency to present a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system.
- 9.134. The applicant has submitted a desk study detailing the historic uses and a preliminary site conceptual model regarding the risk from contamination at the site. The desk study recommends a detailed geoenvironmental site investigation. The Council Environmental Health Team recommend a condition for site investigation, a method statement for risk/remediation and unforeseen contamination and a verification report. Asbestos Containing Materials (ACM) within the building are considered to be a contaminant of concern, and a condition is required to ensure all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.
- 9.135. The Environment Agency have recommended conditions for a remediation strategy, verification report and further monitoring to be submitted to ensure the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution. A condition restricting piling and investigation boreholes using penetrative methods only with consent is also recommended.

Waste Management:

- 9.136. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities. The location and provision of facilities intended to allow for the efficient management of bin stores and recycling facilities has been outlined, and full details are required by condition.

## **10. CONCLUSION**

- 10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development. Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2. The principle of the redevelopment of the site has been established in the grant of the previous planning permission on appeal, and the integration of the site with that approved at 16-24 Melbourne Street would provide a comprehensive redevelopment of this allocation site. Planning permission has already been granted for a co-living development on an adjacent site at 19-24 Melbourne Street. The proposed development of the site would contribute towards the

employment floorspace target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3.

- 10.3. The development would equate to 123 standard dwellings which would contribute towards the housing target set out in CPP1 Policy CP1 as envisaged through the mixed-use allocation in Policy CP3. The proposed co-living rooms have reduced from 269 to 221 in this revised application. As well as private studio rooms, future residents would have access to communal cooking and lounge facilities, coworking space, gym, outdoor amenity spaces, and other facilities including those within the wider development under other phases. The proposed co-living scheme would provide a different form of housing for the city and the proposed scheme would increase the variety of accommodation available citywide.
- 10.4. It is considered that the proposal would make an acceptable contribution towards the provision of flexible rented accommodation in the city and that in this instance the commuted sum for affordable housing secured would weigh in favour of the scheme. The proposal is supported by the Council Housing Strategy team conditional on securing the affordable housing contribution by s106.
- 10.5. The scale of development would be less than the previous application BH2022/01490 which the appeal inspector considered acceptable when weighing its benefits against adverse impacts. The distance between Block A and Viaduct Lofts on the previous application was the closest relationship proposed to neighbouring buildings. The movement of Block A 2m to the east increases the distance between proposals and Viaduct Lofts which is welcomed. Combined with reducing the height of the southern end of Block A, these amendments further improve the relationship here both from an amenity perspective, as well as opportunity to improve the townscape context.
- 10.6. The site is well-located near to day-to-day amenities and regular public transport into Brighton city centre. The proposals for a low-car scheme is supported by its site location. The proposed development would provide a Travel Plan which will offer a number of measures to reduce reliance on the private car. From a sustainability perspective, a car free development has been welcomed.
- 10.7. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, and air quality have been assessed and have been considered acceptable.
- 10.8. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

- 11.1. 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. 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.

## **12. EQUALITIES**

- 12.1. The proposal includes accessible units being accessible for persons with disabilities. The co-working space is all located at ground floor level. A total of 8 no. disabled parking spaces are proposed at ground floor level. The applicant proposes a pedestrian and cycle only access road (with the exception of emergency vehicles) which connects Melbourne Street with the site's internal pedestrian/cycle-only internal courtyard space.

## **13. S106 AGREEMENT**

- 13.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
  2. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  4. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
  5. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

