

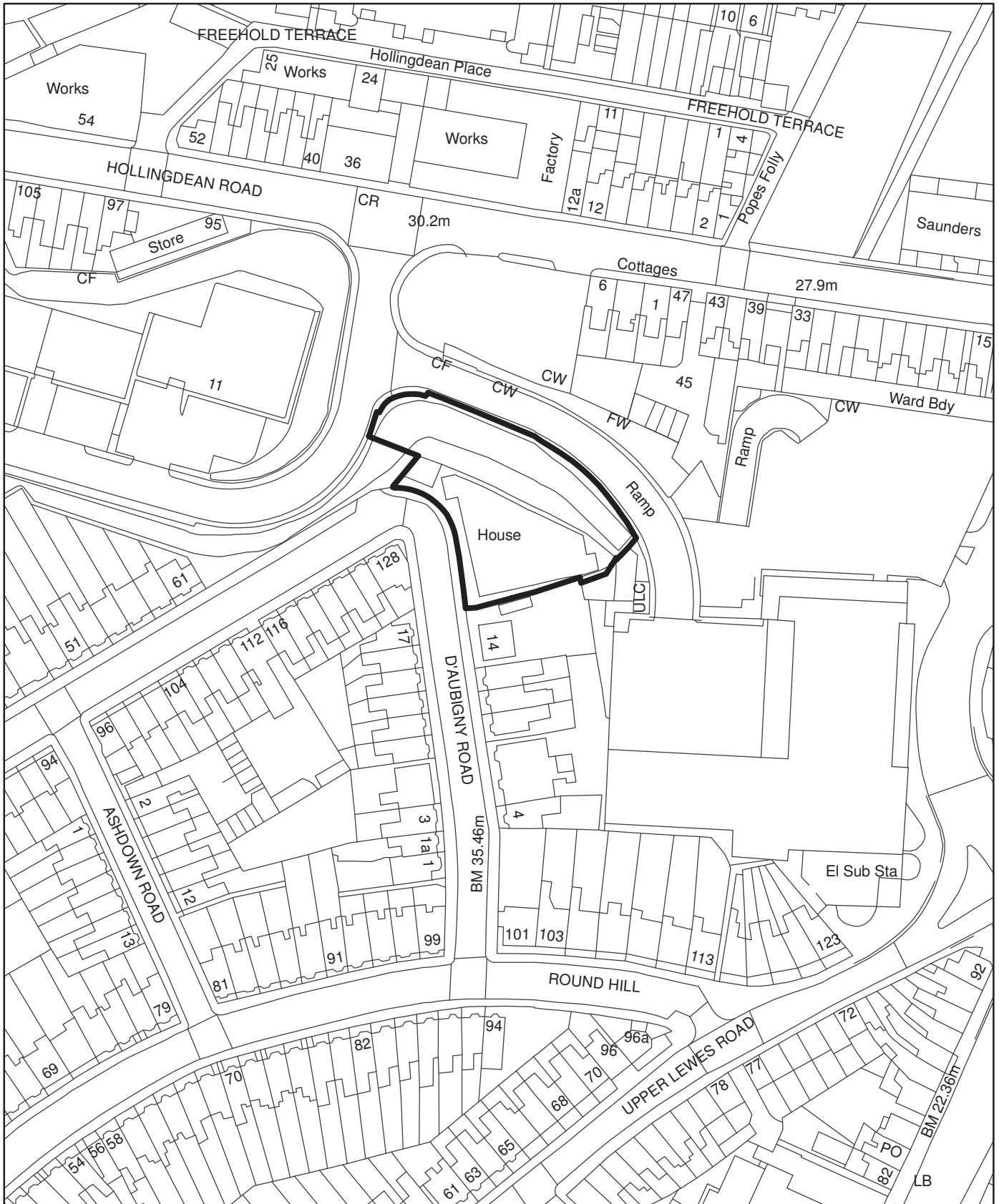
ITEM A

Richmond House, Richmond Road, Brighton

**BH2013/02838
Full Planning**

20 NOVEMBER 2013

BH2013/02838 Richmond House, Richmond Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/02838	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Richmond House Richmond Road Brighton		
<u>Proposal:</u>	Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	30/08/2013
<u>Con Area:</u>	Adjacent to Round Hill	<u>Expiry Date:</u>	29/11/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton BN1 2BB		
<u>Applicant:</u>	Matsim Properties Limited, Andrew Lambor, Agora, Ellen Street, Hove BN3 3LS		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site (approximately 0.16 hectares) is located on the eastern side of D'Aubigny Road, at the eastern end of Richmond Road and on the southern side of the existing service road, accessed via Hughes Road, which provides private access to the rear of the Lewes Road Sainsbury's. The service road and the eastern end of Hughes Road is set at a much lower level than Richmond Road/D'Aubigny Road as a result of the topography within the area. A steep embankment is located in the northern section of the site, between the existing office building and the service road/Hughes Road. The service road is located on a west to east gradient whilst Hughes Road has an east to west gradient as it progresses into the adjacent Industrial estate.
- 2.2 The site is currently occupied by a 2 storey, white rendered, office block of a 1920s/1930s style with associated car parking area, set within a triangular plot, with the steep embankment to the north. The main frontage of the existing building fronts onto Richmond Road and D'Aubigny Road whilst the rear elevation fronts onto the adjacent service road, albeit at a raised level.
- 2.3 Richmond House lies immediately adjacent to the Round Hill Conservation Area. Within the Conservation Area and immediately in the vicinity of the site are some 2 storey rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls.
- 2.4 The area to the north of the site, which is set at a much lower level, comprises a new part 2, 3, 4 and 5 storey flat development and historic two storey terraced houses, which front onto Hollingdean Road. Centenary Industrial Estate is

located to the north-west of the site and contains modern warehouse style buildings.

3 RELEVANT HISTORY

BH2013/00197 - Demolition of existing 2no storey building and construction of 1no three storey building and 1no five storey building providing 144 rooms of student accommodation, with associated ancillary space, 186 cycle spaces, removal of existing trees, landscaping and other associated works. The application was refused on 16/05/2013.

BH2002/00897/FP - Alterations to window arrangement to north elevation. Approved 28/05/2002.

BH1997/01565/FP - Alterations and extensions to premises comprising rendering over brickwork first floor infill extension to provide ladies WC. Two storey extension to front to form new stairwell, entrance and ramp, and creation of new parking facilities. Approved 06/01/1998.

95/1307/FP - Change of use of first floor from storage and premises to health club and gymnasium. Refused 09/01/1996.

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing office building (Use Class B1), the excavation of part of the existing embankment and the erection of a new building, to provide 138 rooms for student accommodation (Use Class Sui Generis) with associated ancillary space, cycle storage, removal of trees, landscaping and other associated works.

4.2 The proposed building would have an acute triangular shape with an 'atrium' in the centre. The proposed building would front both D'Aubigny Road/Richmond Road and the lower set Hughes Road/Sainsbury's service road. The proposed building would respond to the curves of the related roads, namely a concave curve to D'Aubigny Road/Richmond Road and a convex curve to Hughes Road/Sainsbury's Service road.

4.3 The northern part of the proposed building would be excavated into the existing embankment and would front onto Hughes Road/Sainsbury's service road and would comprise 5 storeys, with the upper floor set back. The southern section of the building would be formed of three storeys in height. A lift would provide access to each floor level.

4.4 External amenity space would be provided in the atrium of the building whilst cycle storage would be provided externally on the northern side of the building. A refuse store would be provide on the ground floor level, accessible externally from the Sainsbury's Service road.

4.5 The main entrance to the building would be located on the western side of the building accessible from Hughes Road.

5 PUBLICITY & CONSULTATIONS

External

5.5 **Neighbours: One Hundred and Two (102)** letters of representation have been received from **3, 6, 7 and 11 Ashdown Road, 50 Buller Road, 31 Crescent**

Road, 1, 3(x2), 4, Ground Floor Flat 5B, Flat 2 6, 7, 8(x2), 12, 13(x2), 15 and 17 D'Aubigny Road, Units 1 and 11 (x2) Centenary Industrial Estate Hollingdean Road, 14 Mayo Road, 29(x2) and 77 Princes Crescent, 24, 36b, 36c, 40, 50, 55(x2), 68 and 1 Unknown Princes Road, 6, 13c, 26(x2), 27, 32, 33, 35, 37(x2), 39, 41, 46, 47(x2), 49(x2), 56, 58(x2), 59, 66, 70, 82, 84(x2), 100(x2), 102, 106(x2), 108(x2), 110, 112(x2), 120 and Unknown(x3) Richmond Road, 8, 24, 30, 40A, 47, 53, 59, 78a(x2), 103A, 105, Flat 3 105, Flat 1 107, Top Floor Flat 111 and 1 Unknown Number Roundhill Crescent, 51 Upper Lewes Road, 6(x2), 13 and 26 Wakefield Road and 7 from Unknown Addresses objecting to the application for the following reasons:

5.5 Design/Visual Amenities

- Loss of views to the South Downs. The long views out of and into Roundhill are mentioned in the Conservation Area statement as being important but would be blocked by the development,
- The design is very heavy handed with disproportionately large 'dormers' and mansard on the Richmond Road elevation,
- Will result in the loss of the few green spaces left in the area,
- Over-development of the site. Would double the built volume of the existing offices and be visually out of keeping with the Conservation Area it looks onto,
- The design is not compatible with or in keeping with the architecture of the Conservation Area or the Round Hill area which it fronts onto,
- It would create the effect of a 'box canyon' at the end of both Richmond Road and D'Aubigny Road, caused mainly by the two buff brick featureless walls, one of five storeys and one of three storeys, shown disguised by 'green planting' on the architects elevations, this would destroy a recognised part of the character of Round Hill,
- Would change overall character of the area,
- The eight giant dormers each spread over two studios and two floors would become the dominant features of D'Aubigny Road. Limiting residents to Article 4 Direction rules would become nonsense,
- The design is depressing, dispiriting cramped in and claustrophobic. Appreciate the design of Richmond House as it is now and do not agree with the developers' labelling of it as 'unattractive'.

5.6 Amenity

- The embankment shortcut on the corner of D'Aubigny Road would lead to a constant passage of students, day and night, along D'Aubigny Road, the shortest route to bus stops for town. There is no through traffic on this road, which means that it is currently silent at night, bar the odd late-night returning resident,
- The 62 student windows directly overlooking D'Aubigny Road would result in break-out noise from voices and music. These windows are south-west facing windows, the rooms would be hot, the windows would therefore be open much of the time, especially in the summer,
- Loss of light and overshadowing,

- The student management plan can look good on paper but relies on being of a high standard for the duration of the building's life,
- Would overlook some of the flats in Diamond Court on the north side of the site, which would directly affect their privacy,
- There are already too many students in the area. Such a high density of student accommodation would have a hugely negative impact on the current residents and on the area as a whole,
- The proposal has not demonstrated that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise disturbance
- The proposal would damage rather than support 'strong, vibrant and healthy communities' (NPPF) by creating a large isolated short term student population within a residential community. The present student community is integrated into, rather than isolated from, the Round Hill neighbourhood. Round Hill is already one of the most densely populated areas of the City and community cohesion which has been hard won will be damaged,
- The outlook for residents on the two lower floors would be very bleak. Parking for 76 bicycles is located along the Sainsbury's service road elevation on the ground floor so residents on that level cannot expect natural light in their rooms. First floor accommodation would only get daylight from one side and the immediate outlook for residents is a supermarket truck and van service road used both for deliveries and internet shopping,
- Existing students in the area cause disturbance and residents suffer effects of anti-social behaviour,
- Noise from the proposed atrium terrace which would be located just one floor below the finished height of the structure,
- For safety reasons there would have to be fire exits located on the upper level of the property, onto D'Aubigny Road, there will be used as access routes by students on a regular basis, either causing alarms to activate (noise) or additional noise level increase due to students "milling around",
- There can be no usable amenity space on level 0 since the building will rise up from an industrial estate.

5.7 Transport/Access

- Safety and logistic problems regarding access in Hughes Road and onto Hollingdean Road,
- The building access will now be onto a 'blind' bend and the road is in constant use by lorries, vans and cars as the industrial estate is fully occupied. To permit access onto a dangerous road would be questionable and retrograde step, giving rise to potential injury and in the worse case scenario, could mean a fatality,
- Is labelled a 'car-free' development but 138 students arriving/leaving with luggage at the beginning/end of each year would create considerable traffic congestion, which the proposal does nothing to

address. All surrounding roads have double yellow lines and the nearby junction is used by heavy delivery trucks to Sainsbury's,

- The Transport Statement does nothing to consider the safety of 70 cyclists crossing into busy Hollingdean Road from the industrial estate with a heavy goods entrance into a supermarket and then using the Vogue Gyratory, a recognised accident blackspot. It relies on the Council to resolve the dangers the developers are creating for students,
- Would be dangerous for students/staff accessing the site. The pavement is not wide enough by the entrance to be safe and there are no areas allowing vehicular waiting/unloading,
- The new parking scheme has not mitigated parking problems at night. The proposal would add to traffic/parking problems,
- The proposal to site the entrance to the building in an industrial estate may pose a danger from industrial traffic to potential residents,
- Parking standards SPGBH4, restricting motor vehicle use on the Centenary Industrial Estate to "operational" makes it an unsuitable site for any residential development,
- The proposal does not make sufficient provision for disabled parking or for the ambulant disabled,
- The Sainsbury's access road is privately owned by the Estate, it has a legally binding covenant that requires the road to remain clear at all times. Whilst the developers acknowledge the issue of the road, they have no solution to the problem of not being able to use the road. The site has no access from the slip road that runs parallel to the development; this means that the proposed development would need to be accessed through a small area on the corner of Hughes Road.

5.8 Other

- Will decrease values of house in area,
- It is not clear what age the students will be,
- Will impact upon the communication infrastructure of this already extremely densely populated area,
- It is not clear who will be staying in the development, short-term or long-term students,
- The proposal does not meet draft policies CP21 or CP12 of the City Plan,
- Will reduce the central commercial and business space available to small and medium-sized businesses needed by the City for increased employment as the recession fades. Richmond House has only been empty since December 2012 and has been allowed to degrade for several years, reducing interest from potential users,
- The building work will be incredibly disruptive,
- The development does not replace any of the trees protected by TPO's it plans to uproot on the southern side of the site. These are recognised to be of poor quality but blackbirds, robins and wood peckers have all been seen nesting here,

- The site would be better used for small craft workshops with living accommodation over or for small scale car-free housing that fits with the surrounding environment,
- Although the two buildings in the previous application comprised 6 more rooms the internal floorspace in the unsuccessful application was less than the current,
- Round Hill is not identified in the emerging city plan as an area which can accommodate this scale of development (policy CP12),
- Would set a precedent for similar development in the area,
- Insufficient refuse and recycling facilities. The collection of the proposed facilities would cause noise disturbance,
- Although the developer states that they are contributing to local nature conservation by installing green walls and vegetated banks, the actual contribution of this to local biodiversity is negligible,
- Argument that the development will reduce the number of HMOs in the area and return these properties to family homes is a specious and facile argument as it presupposes that landlords who currently operate HMOs in the area will somehow have a change of heart when they see the development and voluntarily remove themselves from the HMO rental market. The limit for converting residential properties should be applied to these kinds of development,
- Seems to be very little differences to the previously submitted and rejected scheme,
- Why demolish Richmond House. Cannot something more suitable be found for this building?,
- It is an enormous amount of people to move into a residential area. There are much more suitable places on the Lewes Road like Preston Barracks,
- Brighton & Hove City Council has made excellent provision for its student population and has already approved student developments in other parts of the City, and another development is proposed in Falmer near the football stadium. This should surely go a very long way to satisfying requirements for this type of development without using an architecturally beautiful industrial building for a purpose other than job creation,
- By moving the building access to the industrial estate the building immediately becomes part of an estate that has been ear-marked to remain as a dedicated industrial area and therefore would immediately breach this undertaking.

5.9 **25 Richmond Road: Comment** The proposal is far better than the original design. Having the entrance relocated to Hughes Road, should alleviate concerns about overuse of Richmond Road and D'Aubigny Road by traffic and pedestrians. However, there needs to be some means to prevent students from coming down Richmond Road and using the grassed slope to get home, a safety issue and an annoyance factor to nearby residents. The claim that there will be 24 hour attendance by security staff to ensure that the students do not cause any anti-social behaviour or excessive noise after midnight sounds good in theory, but

will it work in practice with such large number of young people present? Will these staff have sufficient authority and clout to prevent any problems for the neighbours? It is unlikely that this student accommodation will release current HMOs in student use for family occupation. A far better use would have been for flats for the elderly.

- 5.10 **International House, Yarmouth Place, London:** Comment Mortar Developments recently developed a property on Caledonian Road, London. This property won the 2013 Carbuncle Cup award for the ugliest new building in Britain. Does Brighton need another carbuncle?
- 5.11 **Conservation Advisory Group (CAG):** The group has no objections on conservation grounds to the application. Whilst concerns were raised about the lack of detail in the proposals and that the building design was too solid and sombre, it was acknowledged that the existing building was detrimental and ugly.
- 5.12 **County Archaeologist:** The current building replaced a Victorian railway station, so there is likely to have been considerable past disturbance on this site. It is therefore unlikely significant archaeological remains will be disturbed by these proposals.
- 5.13 **County Ecologist:** Comments. The proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements.
- 5.14 **Councillor West and Deane:** Objects to the proposal. Letter Attached
- 5.15 **Environment Agency:** No comment.
- 5.16 **East Sussex Fire and Rescue Service:** No comment.
- 5.17 **Round Hill Society:** concerned about the possible age of students occupying the planned building. Kaplan seems to bring over younger students, secondary school age, to give intensive English lessons in order to prepare them for degree courses when they are older. 138 16 to 18 year olds would have a different impact compared to mature foreign students. It is unclear how many weeks a year students will occupy the building and who will be using it the rest of the year, again it could affect noise and traffic generation. It seems that universities never build such isolating accommodation for students, preferring to have common cooking facilities to aid socialisation, why are these units so cell-like? Perhaps for cheap hotel-lets in the summer?
- 5.18 **Southern Gas Networks:** Comment. Note the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 2m of the medium pressure system and 3m of the intermediate pressure system. Where required the position of mains should be confirmed using hand dug trial holes.

- 5.19 **Southern Water:** Comment. Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvement to existing sewers, will be required to provide sufficient capacity to service the development.
- 5.20 Should the application receive planning approval, request that a condition is attached requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to and approved in writing.
- 5.21 **Sussex Police:** Comments.
The location has low levels of crime and no concerns regarding the proposal are raised.
- 5.22 Previous comments regarding the lighting of the development and the cycle security arrangements remain extant.
- 5.23 **UK Power Network:** No objections.

Internal:

- 5.24 **Arboriculturist:** The proposal includes the loss of trees covered by Tree Preservation Order, however, they are mostly all diseased or structurally defective and should be felled on the grounds of safety regardless of whether the development proceeds. Overall the Arboricultural section has no objection to the proposals in the application subject to replacements being planted as part of a landscaping scheme.
- 5.25 **City Clean:** Comment Using data from other student residential developments. Would estimate that 0.17 of an 1100L bin is needed for student for a weekly collection of refuse and recycling. For the student units 25 x 1100L bins would be needed of which around 50% can be recycled, needing 80m² of floor space. Would estimate that 13 refuse bins, 8 mixed and 4 glass bins are used to suit the Councils 2 stream co-mingled collections service.
- 5.26 The Council does not collect general waste from privately managed student residential accommodation, however will collect the recycling if requested. Operations Team is happy with collecting from the service road to Sainsbury's off Hughes Road. If any collection points are to be used they need to be agreed before hand to ensure suitability, minimal obstruction and no gradients greater than 1:12 (collection point to kerbside).
- 5.27 Currently the plan allows for 8 bins, of which 7 is for refuse and 1 for recycling, This only allows for 7700L of refuse and 1100L of recycling, which is very low and is not sufficient for a weekly collection. Would expect 27,500L of waste created per week and the current proposal does not give enough capacity.
- 5.28 **Economic Development:** Comment. Has no adverse economic development comments but requests a contribution through a S106 agreement for the

payment of £8,030 towards the Local Employment Scheme in accordance with the Develop Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

- 5.29 **Environmental Health:** Comment. It is noted that there is a large plant room at ground floor, opposite some of the bedrooms. However, there are neither details about the type of plant that will be placed into this room nor the mitigation methods that will be introduced to ensure that noise and vibration from this plant room will not affect the occupiers of the nearest bedrooms.
- 5.30 An acoustic assessment to show that this will not be the case would be suitable. Without such an assessment, there is insufficient information with which to comment.
- 5.31 This site has had a long history of development, including as Lewes Road Station, a Goods Station and a manufacturing chemist. Such uses may have resulted in localised land contamination. It is also close to other potentially contaminated land sites. Therefore, the submission of contaminated land report would have been suitable. Consequently, a full contaminated land condition is recommended for the development.

5.32 Heritage:

(Original comments 07/10/2013) Comment. Richmond House lies immediately outside the Round Hill Conservation Area. It fronts on to Richmond Road (the remainder of which is within the Conservation Area) at its junction with D'Aubigny Road (also in the Conservation Area). The site is prominent in views down Richmond Road, where the topography is such that it is viewed against a backdrop of the houses and downland on the other side of the valley. It is also visible in views along D'Aubigny Road.

- 5.33 The current building consists of a 2 storey white office building, of a 1920s/1930s style. The building is not in keeping with the predominant character of the Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls. Although it is of a larger floorplate than the surrounding buildings, its height is in keeping with the surroundings.
- 5.34 A steep embankment is set to the rear of the site, and is part of a number of similar embankments. These (in the general area of the former railway line) create an important distinction between the Conservation Area and the more varied character of the area to the north. The area to the north is at a much lower level, and includes large modern warehouse style buildings, a new block of flats and the service road to Sainsbury's, as well as more historic terraced buildings.
- 5.35 The Conservation Area character statement describes the surviving railway line as 'Round Hill's green corridor'. Indeed, this line, other embankments in the area and ribbons of green formed by the large back gardens to the dwellings are prominent in views, particularly from Bear Road and Race Hill Road. The character statement states that 'There are few visible trees, as most of the

houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees on land just outside the Conservation Area at the north-east end of Richmond Road' (ie the development site).

- 5.36 The proposal is for the demolition of the existing building and construction of student accommodation. This follows a previous application, which was refused earlier this year.
- 5.37 There is insufficient information regarding the detailing of the elevations. The submitted drawings appear to be visualizations. These are useful for placing the proposed development in context; however face-on elevational drawings of each individual elevation in full are also required. Notwithstanding this:
- 5.38 The overall massing and bulk of the building is still much greater than that of the existing building. The design reduces the perceived bulk through particularly the set-back and materials to the top floor. The dormers, slope and set back of the roof also work to break-up the uniform height of the roofline. The features of the south west elevation (C) remain however somewhat heavy and overbearing in the Conservation Area. The design requires further development to provide greater relief and further reduce the bulk, in order to reduce its impact on the Conservation Area. This would appropriately include slimmer detailing, particularly to the dormers. The quality and choice of materials will also be particularly important to the success of the scheme, and further information should be provided on this.
- 5.39 The loss of the embankment will erode the distinction between the Conservation Area and surrounding less cohesive streetscape to the north, which is regrettable. It will also likely lead to a loss of green in both views from within the Conservation Area and longer views. Although it appears green walls have been incorporated within the scheme, the proposed landscaping scheme is unclear. Further details should be provided of this.
- 5.40 The green wall to the west end of the southwest corner in particular risks locating a blank brick wall prominently in the conservation area before the green wall becomes established and should the green wall fail. This wall is particularly prominent in terminating views along both D'Aubigny Road and Richmond Road. The wall should be appropriately detailed to allow for these circumstances. Details will also be required of the proposed planting and maintenance plan for the green walls.
- 5.41 (Additional comments 21/10/2013 following receipt of amendments) The revised bay detail is an improvement on the previous, although it does not address all of the original concerns. It is unclear what the materials are; it would be appropriate to have full details (including ideally samples) of the proposed materials in order to assess this. In any case, the change of material to the copper colour risks drawing disproportionately high levels of attention to the bays. It is likely more appropriate to retain the bay in the same colour/material as the roof. The slimming down on the bay is however appropriate. It is unclear how the junction of the glazed panel and the partition wall between the bedrooms would work. The amendments need to be looked at as part of the scheme as a whole.

- 5.42 Further detail is still required regarding materials, the planting scheme and the proposed alterations to the wall where the green wall is proposed (the submitted letter suggests the applicant is accepting of a decorative treatment to these walls; it is unclear what is proposed). Some further details of these are required at this stage to overcome the concerns, although it is acknowledged that some more detailed aspects could be left to condition.
- 5.43 **Planning Policy:** Comment Although the applicant has addressed some of the reasons for refusal of the previous application on the site (BH2013/00197) as the proposal under consideration now has the support of an education establishment in the City, the proposal for purpose built student accommodation remains contrary to policy CP21 in the submission City Plan as it is a site identified as having potential for housing in the SHLAA. Clear evidence should also be submitted to demonstrate that the premises has been marketed for employment uses for a period of a year in order to demonstrate compliance with policy EM3 in the Local Plan and CP3 in the submission City Plan Part 1.
- 5.44 **Public Art Officer:** Comment To make sure the requirements of policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement.
- 5.45 **Sustainability Officer:** Comment As a major new build non residential building this development is expected to achieve BREEAM excellent with 60% in energy and water sections. This level has been committed to in the checklist this level for BREEAM Multi Residential.
- 5.46 **Sustainable Transport:** Comment There are potential issues/problems with this application but these can be resolved by the S106 content and conditions.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD27	Protection of amenity
QD28	Planning obligations (likely contributions towards transport, education, open space, public art)
HO2	Affordable housing – ‘windfall’ sites’
HO3	Dwelling type and size
HO4	Dwelling densities

PLANNING COMMITTEE LIST- 20TH NOVEMBER 2013

HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses.

Planning Advice Note

PAN05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
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Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

DA3	Lewes Road Area
CP1	Housing Delivery
CP3	Employment Land
CP16	Open Space
CP17	Sports Provision
CP21	Student Accommodation and Houses in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the loss of the existing office accommodation, the demolition of the existing building and the suitability of the site to accommodate the proposed new building, the impact of the proposed development upon the character and appearance of the site and the wider area including the strategic views into and out of the adjacent Conservation Area, neighbouring amenity, the standard of accommodation proposed, transport and sustainability.

Planning Policy:

Loss of Existing Office

- 8.2 The proposal includes the demolition of the existing two storey office building (Use Class B1). It is noted that there are discrepancies regarding the amount of existing internal office floor space provided within the various documentation submitted (stated to be 784m² in the application form, 803m² in the Application Form and Fludes Letter and 996m² in the Planning Statement), however such discrepancies do not prohibit the Local Planning Authority determining the application.

- 8.3 Policy EM3 of the Local Plan and CP3 of the Brighton & Hove City Plan Part One specifies that land in industrial use (Class B1, B2 and B8) or allocated for industrial purposes will not be released for other purposes unless the site has been assessed and found to be unsuitable for modern employment needs.
- 8.4 Policy EM5 of the Brighton & Hove Local Plan relates specifically to the change of use of redundant office floorspace and states planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant. This policy qualifies how redundancy is determined. If redundancy is established preference is given to alternative employment generating uses; followed by affordable housing.
- 8.5 The Council's Economic Development Officer comments that both floor levels of the property have been listed on the Council's commercial property database since 26 October 2012 but no serious interest has been raised, notwithstanding a rent reduction in April 2013. It is stated within the information submitted that the only interest of note was from a national publishing business which subsequently decided to pursue alternative premises, it is not stated when this interest occurred.
- 8.6 The letters submitted by Fludes sets out the marketing strategy for the property, namely a brochure, marketing boards, mailing, advertising and internet marketing. The marketing board viewed during the Case Officer's site visit refers only to the first floor offices being available. It is considered that anyone looking for large office premises would not raise an interest in the site if the marketing board only referred to the first floor.
- 8.7 Since submission of the application copies of commercial property press adverts and property particulars have been submitted. The copies of the marketing adverts placed in The Argus on the 10 January, 21 February, 22 May, 18 September, 25 September and 20 November 2012 however only refer to the first floor level of the building. It is noted that two Argus commercial adverts from the 5 February and 12 March 2013 have now been submitted which refer to the whole building however it does not appear that the availability of the whole building has been advertised in the press for at least 1 year.
- 8.8 Although the Council's Economic Officer has stated that the whole building has been listed on the Council's website for a year, it has not been demonstrated by the applicant that the availability of the entire building has been sufficiently marketed for such a time period. As such it is considered that the applicant cannot demonstrate that the use of the whole office space is no longer viable and demonstrated that the use is genuinely redundant, contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.
- 8.9 It is noted that the Council's Economic Development Officer comments that the building's location is not best suited for modern business requirements as it is bordered by residential development and there is limited car parking available on site, which many business require. Whilst it is noted that better quality office

floorspace could be provided to increase the prospect of being let (although the location of the site cannot be improved) it is not considered that these views negate the requirements of policies EM3 and EM5 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One, with regards to demonstrating that the existing use is redundant and unsuitable for modern employment use, through a strategic marketing strategy of at least one year.

- 8.10 It should be noted that if the applicant had been able to demonstrate redundancy, student accommodation would not be the preferred use of the site.
- 8.11 It is acknowledged that the strategy of policy DA3 of Brighton & Hove City Plan Part One is to “further develop and enhance the role of Lewes Road as the City’s academic corridor”, as set out by the applicant, however part A3 of this policy indicates that one measure to achieve the overall strategy is by “encouraging the development of housing, employment floorspace ...”. The encouragement of the development of floorspace in the area is a local priority of policy DA3 and could be desirable for new modern business accommodation for business with links to the universities.

Principle of student accommodation

- 8.12 The 2005 Brighton & Hove Local Plan does not specifically address the issue of purpose built student accommodation. This matter is, however, addressed in the emerging Brighton & Hove City Plan Part One in the form of policy CP21. It is considered that in such a case, where the adopted Local Plan is silent on an issue, and the emerging City Plan provides specific policy, that this emerging policy should be given significant weight.

Policy CP21 seeks to support the provision of additional purpose built student accommodation across the city and is criteria based policy;

1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
6. Schemes should have the support of one of the city’s two Universities or other existing educational establishments within Brighton & Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.

- 8.13 Sites identified as potential housing sites will include those identified in other City Plan policies and those listed in the Strategic Housing Land Availability Assessment.
- 8.14 Issues regarding criteria 1 are discussed in detail below.
- 8.15 If overall the proposal was considered to be acceptable the Local Planning Authority would seek measures to ensure that the approved scheme would be occupied solely by students, through a S106 Agreement.
- 8.16 Securing a Management Plan for a student accommodation development is a nationally agreed appropriate method of monitoring and managing student accommodation particularly when the development is off campus and close to neighbouring private residences. Details of the submitted Management Plan are discussed in more details below.
- 8.17 A letter of support has been submitted as part of the application from Kaplan International Colleges, who operate in partnership with the University of Brighton and who have intentions for their students to occupy a large number of the rooms proposed within the development. As a result of the submission of this letter the proposal complies with part A6 of CP21.
- 8.18 With regard to criterion 7 the site is not subject to an extant planning permission for housing however it is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) (December 2012) with potential for 12 units to come forward in the next 6 to 10 years. The proposal for purpose built student accommodation is therefore contrary to criterion 7 of policy CP21.
- 8.19 It is noted that within the submission it is stated that the proposal would potentially enable a number of existing student HMO's in the City to be converted back to family dwellings however no evidence has been provided to support this assertion, and this is considered unlikely.

Design

- 8.20 Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, whilst policy QD2 requires new developments to take account of their local characteristics with regard to their proposed design. QD4 seeks to preserve or enhance strategic views, the setting of landmark buildings and views in and out of Conservation Areas. Whilst QD5 seeks to ensure new developments present an interesting and attractive street frontage particularly at ground floor.
- 8.21 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.
- 8.22 The site is currently occupied by a two storey, white rendered, office building of 1920/30s style, known as Richmond House, which is sited immediately outside the Round Hill Conservation Area. The site fronts onto Richmond Road, the

remainder of which is located within the Conservation Area, at its junction with D'Aubigny Road, which is also located within the Conservation Area. The existing building is not in keeping with the predominant character of the Round Hill Conservation Area, which consists of rendered terraced houses with pitched roofs, set behind small forecourted gardens with rendered boundary walls, and therefore no objections are raised to its demolition in design terms.

- 8.23 The submitted elevational plans submitted are insufficient and lacking in details. The drawings appear to be visualisations rather than elevational plans although the agent disputes this and stated that they, although coloured, are true representative plans. Despite the insufficient elevational plans submitted it is considered that the Local Planning Authority can still assess the proposal.
- 8.24 As previously stated the proposal comprises of the demolition of the existing building and the construction of a new building which would be dug into the existing embankment. The proposed building would be 5 storeys fronting Hughes Road and 3 fronting D'Aubigny Road/Richmond Road, albeit with parts of the top floor level set back from the lower levels.
- 8.25 The proposed building has been designed to follow the curves of the roads to which it will front and has a triangular shape with an internal atrium.
- 8.26 Although of a larger floor plate than the surrounding terraced properties, the height of the existing building is in keeping with the surrounding residential properties located in Richmond Road and D'Aubigny Road.
- 8.27 Despite parts of the proposed building being excavated within the existing embankment, which reduces the amount of the northern section of the building visible from D'Aubigny Road/Richmond Road and the adjacent Round Hill Conservation Area, the proposed new building would be of an overall greater mass and bulk than the existing office building.
- 8.28 The western elevation would comprise 6 bays at first and second floor levels, with a mansard roof incorporated into the main roof of the proposed building. The centre section of the proposed north facing elevation comprises angled bays at first, second and third floor levels in order to mitigate impacts upon neighbouring properties, an issue discussed in more detail below. Angled bays are also incorporated into the proposed southern elevation of the building.
- 8.29 Although the proposed flat roof level would measure 46.20 AOD which is slightly lower than that of the existing office building (excluding the higher tower and chimney sections which protrude above the existing flat roof form) when viewed from within D'Aubigny Road/Richmond Road the proposed building would appear similar to the existing building with regards to overall height, thus intending also to be in keeping with the scale of the existing terraced residential buildings in the Conservation Area. However, due to the design and size of the proposed development, the proposal would appear as a greater mass and bulk than the existing building. The mass and bulk of the proposed scheme is considered to be excessive for the site, and would result in the development

being prominent in views along Richmond Road and D'Aubigny Road and views eastwards out of the Conservation Area

- 8.30 It is noted that the Council's Heritage Officer states that the proposed set back of the top floor level and the proposed mansard dormer windows helps to break up the uniform height of the proposed roofline and that the proposed top floor/roof materials also helps to break up the perceived bulk. However it is not considered that these bulk reduction design elements outweigh the overall harmful visual impacts of the proposed scale and bulk of the proposal upon the surrounding area.
- 8.31 Since submission of the application revised details regarding the proposed west facing bays have been submitted. Although the amendments to the proposed bays on the western elevation are an improvement compared to the details originally submitted, for example the slimming down of the bay, it is considered that the features remain heavy and overbearing. The proposed finish materials remain unclear. The change to a copper colour material risk drawing disproportionately high levels of attention to the proposed bays. It is not clear from the information submitted how the junction of the glazed panel and the partition wall between the bedrooms would work, it is noted that the proposed central glazed panel is not shown in the submitted 'elevational drawings'. The elevational plans have not been amended to reflect the amendments to the proposed west facing bays and therefore the Local Planning Authority is unable to assess such amendments as part of the scheme overall.
- 8.32 Despite the submission of the amendments to the west facing bay features it is considered that the overall design of the building requires greater relief and the bulk of the building requires further reduction, especially in respect of the proposed roof form and projection of the proposed mansard dormer windows, in order to reduce the visual amenity impacts upon of the proposal upon the surrounding area, including the adjacent Conservation Area. As such it is considered that the proposal would cause a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood.
- 8.33 Limited details of the proposed materials have been submitted however it appears that the proposed roof would comprise colour coated metal or resin board panels, the proposed windows would be powder coated aluminium windows, walls would be light cream polymer render and face brickwork. The quality and choice of materials is particularly important to the success of the proposed scheme.
- 8.34 Due to the topography of the area, the existing building is prominent in views from the west of the site, down Richmond Road, in addition to being viewed against a backdrop of the houses and downland on the other side of the valley.
- 8.35 A steep embankment currently separates the southern and northern parts of the site, the northern side being set at a much lower level. This existing embankment is part of a number of similar embankments within the area. These

embankments, which are located in the general area of the former railway line, create an important distinction between the Conservation Area and the more varied character of the area located to the north of the site, which includes large modern warehouse style buildings, a new block of flats, Sainsbury's Service road and more historic terraced houses.

- 8.36 Within the Round Hill Conservation Area Statement it is stated that "The Round Hill Conservation Area is notable for its hilly siting with long terraces of houses framing distant views of the sea to the south and of the downs to the east". As a result of the hilly nature of the Round Hill area and as a result of the abrupt land drop from the Conservation Area to Hughes Road "Views of the conservation area can therefore be found from other parts of Brighton, particularly from Bear Road to the east and Race Hill to the south-east...".
- 8.37 The Conservation Area Statement also describes the surviving railway line as "Round Hill's green corridor". This line and ribbons of green formed by the large back gardens to the dwellings are prominent in views into the Conservation Area from areas to the east, such as from Bear Road and Race Hill Road. It is stated that "There are few visible trees, as most of the houses have no front gardens and the private gardens behind are largely screened from close public view. However there are some notable trees in the land just outside the conservation Area at then north-east end of Richmond Road..", i.e. within the development site.
- 8.38 The proposal would result in the excavation of a majority of the existing embankment when viewed from areas to the north/north-east/east. The actual/visual loss of the embankment would erode the distinction between the Conservation Area and the surrounding less cohesive streetscape, located to the north of the site. In addition the loss of the embankment and the loss of the existing trees within the site would lead to the loss of greenery in both views from within the Conservation Area and views into the Conservation Area from areas to the north/east including from within longer views, such as from Bear Road or the Race Course. It is noted that the loss of the existing trees within the site, a total of 15 trees, is not objected to by the Council's Arboriculturist for reason discussed in more detail below. Although replacement trees could be provided and that the proposal includes the provision of two green walls, due to the constraints of the site, replacement/additional planting and landscaping would not compensate for the actual/visual loss of the existing embankment.
- 8.39 A green wall is proposed to the western side of the southern elevation and to the northern side of the western facing elevation. The proposed green walls to risks locating blank walls prominently in the Conservation Area, as they are particularly prominent in the terminating views along both D'Aubigny Road and Richmond Road, prior to establishment of the green walls or if the green walls fails. Following initial concerns raised by the Local Planning Authority the agent has confirmed that the proposed green walls would be of a proprietary system that is pre-planted with semi-mature evergreen plants at both base and head walls and would incorporate automatic irrigation and nutrient delivery to ensure rapid establishment and sustainability. It is also stated that the applicant would be willing to add a decorative treatment to the proposed green walls to add

interest and address any residual concerns regarding a blank wall if the proposed green walls fail. No details of such decorative walls have been submitted as part of the application for assessment. It is not considered that this issue could be dealt with via a condition if overall the proposal was considered acceptable.

- 8.40 Despite the lack of details provided regarding the elevations of the proposal and the proposed finish materials, overall it is considered that the proposal, by virtue of its design and its bulky roof form, mansard dormer features and projecting bay details represents a scale of development that is inappropriate and would represent a development that exceeds the carrying capacity of the site. The scheme would relate poorly to the terraced properties in D'Aubigny Road and Richmond Road, causing a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views into and out of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, which would have a harmful impact upon the distinctive layout and predominance of green space of the area seen in longer views.

Amenity

- 8.41 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

Neighbouring Amenity

- 8.42 The Round Hill Area is currently a quiet and tranquil area, predominately residential in character, apart from the presence of the existing office building. It is noted that an industrial estate is also located to the north of the site however this estate is not accessible from the Round Hill Area.
- 8.43 The main entrance to the proposed development would be accessed from Hughes Road. No access points from the building would be provided onto D'Aubigny Road or Richmond Road which is closer to parts of the City centre, thereby mitigating noise disturbance impacts, created from increased footfall, upon the amenities of neighbouring properties within the Round Hill Area. It is noted that third party correspondence raises concerns to the use of an informal pathway up the embankment from Hughes Road to D'Aubigny Road/Richmond Road. In a letter from the agent received on the 30th September 2013 it is stated that a fence could be installed at the top of the embankment to prevent students transversing the embankment however such fencing is not shown on the plans submitted. It is considered that if overall considered acceptable methods preventing the use of the pathway could be required via a condition.

8.44 From the information submitted it is not apparent how the windows within the development would open or if any passive ventilation is proposed as part of the development. It is acknowledged that the provision of only part openable windows is preference for the City's two Universities, with regards to purpose built student accommodation, for reasons of safety and amenity. As previously stated the application is supported by Kaplan that work in partnership with Brighton University but it is not known if the preferences of this education establishment are the same as that of Brighton University and is therefore a further issue of student accommodation management that is not clarified in the submission.

Sunlight/Daylight/Over-shadowing

8.45 The proposal would result in a development with excessive bulk and massing, it is noted that the upper floor level would be set back from the lower levels of the building.

8.46 Due to the proposed development being located to the north/north-east of properties on Richmond Road and D'Aubigny Road it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties located on these roads with regards to loss of sunlight/daylight or overshadowing.

8.47 Windows, including a bay window, are located within the northern elevation of no. 14 D'Aubigny Road however it is considered that any loss to levels of daylight to this neighbouring property and other southern/south-western neighbouring properties would not be so significant as to warrant refusal.

8.48 Under application BH2010/00498 planning permission was granted for the redevelopment of the former Esso garage site, located between Hollingdean Road and the Sainsbury's Service road, comprising of a part 2, 3, 4 and 5 storey building to provide 24 residential units. This development, which has recently been occupied, comprises many windows in the southern elevations, some of which relate to flats with a single aspect. In addition this neighbouring development comprises external amenity spaces at ground floor/top floor levels and external balconies on the southern elevations.

8.49 Due to the topography within the vicinity of the Sainsbury's Service road the proposed building would be higher than this existing northern neighbouring development. Given the southern siting of the proposed development in respect of this neighbouring development, the orientation of the sun and the proposed height, bulk, scale and massing of the proposed development, it is considered that the proposal has the potential to cause significant harm to the amenities of the residents located in Diamond Court, especially those located in the lower levels, with regards to loss of sunlight/daylight and would create overshadowing to the outdoor amenity spaces. It is noted that within the Design and Access Statement a Daylight/Sunlight Assessment has been provided however this assessment does not accord with the requirements of a BRE Daylight/Sunlight Assessment. Overall it is considered that the applicant has failed to demonstrate that the proposal would not be an unneighbourly form of

development with regards to loss of levels of daylight and sunlight to windows and open spaces of the northern neighbouring property, Diamond Court.

- 8.50 The other northern neighbouring properties and associated garden areas are located further away from the site, are set at a lower level than the retaining wall located on the northern side of the Sainsbury's Service road (which increases in height as it progresses west to east) and in respect of nos. 1 to 6 May Cottages, Hollingdean Road, are set behind the built form of a commercial garage. It is considered that the existing retaining wall and built form of the garage would already affect the levels of daylight/sunlight received by the rear section of these northern neighbouring properties and therefore it is not considered that the proposal would have a significant adverse impact upon these neighbouring properties with regards to loss of sunlight/daylight.

Overlooking/Loss of Privacy

- 8.51 The built form of the building would follow the curve of the Service road. A minimum distance of approximately 14.2m would be located between the north/north-east facing elevation of the proposed development and the southern elevation of Diamond Court, the immediate northern neighbouring property. It is noted that the eastern section of the rear elevation of this property projects further to the south than the western side, the recessed elevation is located a minimum of approximately 19m from the proposed development. Windows relating to bedrooms/living rooms are located on the southern elevation of the neighbouring flat development at all floor levels in addition to external balconies being present at first, second and third floor levels both on the projecting and recessed rear elevations. A private terrace is also located on the eastern side of this neighbouring building at fourth floor level in addition to private amenity spaces being located at ground floor level facing onto the Service road, albeit slightly below the level of the Service road.
- 8.52 The proposed north facing windows at first, second and third floor levels would be angled to the north-east to prevent direct over-looking towards Diamond Court. Views from the ground floor windows which would face north towards Diamond Court would be obscured by the proposed cycle storage facilities. The windows at fourth floor level would be orientated directly north but the fourth floor level of the proposed building is set back from the lower floor levels by approximately 2.6m therefore increasing the distance to the northern neighbouring property. In addition the fourth floor level of the proposed development is set slightly higher than the upper level of Diamond Court and therefore any views towards the northern neighbouring property would be oblique. Overall it is considered that the proposal would not have a significant adverse impact upon the amenities of the occupiers of Diamond Court in respect of over-looking or loss of privacy.
- 8.53 It is not considered that the proposal would have a significant adverse impact upon the amenities of the occupiers of other properties on Hollingdean Road given the distances which would be located between the proposed development and these neighbouring properties.

- 8.54 No. 128 Richmond Road would be the nearest neighbouring property located to the south-western of the site. A distance of approximately 15m would be located between the western elevation of the development and the nearest elevation of no. 128 Richmond Road, which contains a window at ground and first floor level. Although it is likely that these windows relate to habitable rooms it is not considered that the proposed development would result in increased overlooking or loss of privacy to this neighbouring property given the existing relationship with Richmond House and existing windows.
- 8.55 The southern elevation of the proposed building would be located approximately 6m from the northern elevation of no. 14 D'Aubigny Road. The second and third floor windows of the development which would face this neighbouring property would be angled to prevent direct views towards this property whilst the fourth floor level windows would provide oblique views given the variation in height between the southern neighbouring property and the fourth floor level. It is noted that first and second floor corridor windows that would face no. 14 would contain obscure glazing.
- 8.56 Richmond House, which is located perpendicular to no. 14 and has a built form which extends along all but the western most part of the shared boundary between the two neighbouring properties, contains windows at ground and first floor levels which provide direct views towards this neighbouring property. Due to the existing relationship of windows in Richmond House and the positioning of the proposed south facing windows in the development overall it is considered that the proposal would not have a significant adverse impact upon the amenities of no. 14 D'Aubigny Road with regards to loss of privacy or overlooking.

Future Occupiers

- 8.57 Each of the 138 rooms would contain an en-suite and kitchenette area. Although the proposal would result in the provision of 138 self-contained units, all with double beds, as previously stated the occupancy of the building solely by students could be controlled.
- 8.58 From the plans provided it would appear that 1 room at first, second, third and fourth floor levels would be wheelchair accessible accommodation. These proposed units would be located adjacent to the lift, although it is noted that only one lift is proposed within the building which does not cater for periods of breakdown and/or maintenance, it is not considered that refusal on this basis could be sustained.
- 8.59 Based on the type of development as purpose built student accommodation, shared amenity space is considered acceptable rather than seeking private space for each unit. An external garden area and common room would be provided at second floor whilst a roof garden would be located at third floor level. It is disappointing that a common room is not proposed on each floor level of the building.
- 8.60 The quality of amenity spaces is important. It is noted that due to the positioning of the proposed amenity areas and the height of the proposed building the lower level amenity areas are likely to be over-shadowed for parts of the day.

- 8.61 Although the proposed external amenity areas would be located in the centre of the building, the proposed roof top garden area would potentially affect the amenities of neighbouring properties and amenities of the future residents of the building, in respect of noise disturbance, if being used by a high number of the students at anyone time. It is stated within the submitted Management Plan that the external amenity areas would be locked at dusk or 9pm, which ever is the earliest, unless for specific group functions which would be monitored by the Management Team. It is considered that access and use of the proposed external amenity areas should be controlled if overall the proposal was considered acceptable to protect the amenities of neighbouring residents.
- 8.62 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. Such provision is not proposed as part of the application. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space is £166,088. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.63 The north-east facing elevation of the proposed building would face onto the Service road related to the adjacent supermarket. Comments regarding the impacts on the amenities of the future occupiers of the development from delivery lorries utilising this road are noted. Deliveries to Sainsbury's are current restricted to between 7am and 9pm Monday to Friday and only 2 deliveries are allowed between 10am and 4pm on Sundays' and Bank Holidays. As a result of the current restrictions on the delivery hours to the adjacent supermarket, it is not deemed that the amenities of the students would be significantly affected by the proximity of the rooms within the northern section of Building 1 with the existing Service road.
- 8.64 The ground floor units would face onto the proposed vertical cycle storage facility, which includes a shelter roof. A Vertical Sky Component is shown within the submitted Design and Access Statement in respect of the impact of the proposed cycle storage facilities on the levels of light the ground floor units would receive. However the image shown in the Design and Access Statement does not include the upper floors over-hang and it is not known what material the proposed cycle shelter roof would be constructed from. Within The Building Research Establishment (BRE) Report it is stated that if the angle of Visible Sky is less than 25° then it is often impossible to achieve reasonable daylight, the diagram provided shows a degree of 16. Overall it is not considered that the applicant has demonstrated that the proposed ground floor rooms would receive sufficient levels of sunlight/daylight as a result of the positioning of the proposed cycle storage facilities. Furthermore it is considered that the positioning of the proposed cycle storage facilities would have an adverse impact upon the amenities of future occupiers of these units in respect of poor outlook and noise

disturbance from people utilising the facilities. It is noted that in a letter from the agent received on the 21 October 2013 it is stated that the proposed cycle facilities could be altered to be horizontal or re-located internally but no details of such amendments have been submitted to the Local Planning Authority for assessment. It is not considered that this issue could be dealt with via a condition as the Local Planning Authority would need to fully assess the suitability of such amended facilities and impacts they would have on the future occupiers of the building.

- 8.65 Some of the upper floor north facing units would comprise a north-east angle window. No other windows would be provided for these units. These units would have a depth of between approximately 5.7m and 7.5m. No Average Daylight Factor (ADF) figures have been submitted as part of the application to demonstrate that the proposed accommodation with angled north facing windows would receive sufficient levels of sunlight and daylight.

Management Plan

- 8.66 A Student Management Plan has been submitted as part of the current application in which it is stated that Mortar Development Group have a proven track record in the management of student accommodation in the UK.
- 8.67 The submitted plan sets out the key principles of how the proposed student accommodation would be managed, such as the provision of an 'On-Site Team' consisting of a full-time building manager, a full-time assistant manager and a part-time assistant, who will be on duty between 8am to 8pm Mondays to Fridays and between 10am and 4pm at weekends. Out of hours would be covered by overnight security staff and retained resident student wardens.
- 8.68 If overall the proposal was considered acceptable it is considered that a number of matters should be added to the management plan such as the hours of use of the proposed shared amenity spaces, arrangements for the student accommodation including complaints procedure and management relationship between Mortar Developments and the educational facilities that the students would be attending and refuse and recycling collections.

Plant Room/Lift

- 8.69 A large plant room would be provided at ground floor level close to the entrance area in addition to a lift which would provide access to all floor levels. These proposed facilities would be located a couple of bedrooms. Neither details about the type of plant that would be located in the plant room nor any noise/vibration mitigation methods have been submitted as part of the application.
- 8.70 If the application was to be recommended for approval the Council's Environmental Health Officer has requested that conditions be imposed regarding a sound proofing scheme, in order to protect the amenities of future occupiers.

Sustainable Transport

- 8.71 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport,

walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking:

- 8.72 No on-site parking provision is proposed as part of the development. As SPG4 specifies maximum provision this is considered acceptable provided that no displacement parking occurs as a result of the proposal and acceptable provision is made for sustainable modes of transport.
- 8.73 On the 30 April 2013 the Council's Transport Committee approved an extension of Zone J of the Cities Controlled Parking Zone (CPZ) in order to include the Round Hill Area. With the implementation of such parking controls the Council can ensure that future residents of the proposed student accommodation are ineligible to buy resident parking permits. The extension to zone J does not cover Hughes Road/Service road, although it is noted that these roads are subject to Double Yellow Line Restrictions.
- 8.74 Within the submitted Management Plan it is stated that at registration stage the students will be asked to sign a declaration that they would not "bring or keep any motor vehicle owned or in the custody of the student to the City of Brighton other than a single trip at the beginning or at the end of term".
- 8.75 In order to ensure that the development remained car free it would be recommended that any consent, if overall the proposal was deemed acceptable, be accompanied by a legal agreement requiring the applicants to seek to amend the relevant TRO to remove the eligibility of residents for residents parking permits and that appropriate prohibition for cars is also secured.

Cycle Parking

- 8.76 76 cycle parking spaces would be provided to the north of the building. The number proposed is above the minimum requirements set out in SPG4. The proposed nature of the facilities is unclear and therefore further details would be required via a condition if permission was recommended for approval. If the facilities require bikes to be lifted into place a spring loaded or similar mechanism to assist such lifting should be provided in addition to display notices explaining use.

Disabled Parking

- 8.77 No disabled parking provision is proposed. There is no specific requirement within SPG4 for disabled parking in relation to student accommodation however some provision would be required. The measures identified in policy TR18 as alternatives to on site provision are not applicable in this case. The only means by which disabled parking could be provided for the development is via the provision of disabled bays on Hughes Road. The cost of such provision could be required via a S106 agreement if overall the proposal was considered acceptable.

Traffic Impact

- 8.78 In order to address the trip generation associated with the proposed development it is recommended that a financial contribution (£45,900) towards

sustainable transport infrastructure in the vicinity of the site, namely in and around Vogue Gyrotory, would be required. Such a contribution in addition to a travel plan could be secured by legal agreement were approval to be recommended.

Transport Management/Travel Plan

- 8.79 Only general information regarding the start and end of term arrangements have been provided as part of the application, for example specific areas for drop off/collection parking is not identified although it is assumed that the applicant intends to utilise Hughes Road. Detailed plans for the management of the start and end or term in transport terms could be obtained via condition.

Servicing/Deliveries

- 8.80 It is stated that all deliveries and refuse collections would take place via Hughes Road either via use of the existing double yellow lines, which can be used for unloading/loading where there is no loading ban, or via a dedicated loading bay, if such a bay is required.

Sustainability

- 8.81 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.
- 8.82 As a major scheme, the development is expected to meet standards set out in the Council's SPD08 on Sustainable Building Design, of BREEAM 'excellent', to a minimum of 60% score in energy and water sections and a feasibility study on rainwater harvesting and grey water recycling systems.
- 8.83 A Sustainability Checklist has been submitted in which it is stated that the proposal would achieve BREEAM 'Excellent' with 60% in energy and water sections, which accords with SPD08.

Refuse Storage

- 8.84 Externally accessible refuse storage would be provided on the northern side of the building, accessible from Hughes Road/Sainsbury's Service road.
- 8.85 The proposed store would measure 18m². The Council's City Clean Officer has stated that such storage facilities are not large enough to accommodate weekly collection refuse storage for a development of the size and scale proposed.
- 8.86 To meet the requirements based on a weekly collection the proposed bin store, for 138 residents, would need to be approximately 80m². It is acknowledged that the applicant could arrange for private refuse and recycling collections but no details of such arrangements have been provided as part of the application.
- 8.87 The failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and surrounding properties, contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05.

Landscaping and Ecology

- 8.88 As part of the application a Tree Survey has been submitted. 15 trees would be removed as part of the proposed development, including 13 trees which are covered by a Tree Preservation Order (TPO), located on a linear formation at the top of the bank, on the eastern side of the site. The root system of the trees covered by the TPO have been severely undermined on the downward slope and above them is a concrete hardstanding area, which is a harsh environment and is unlikely to contain many roots.
- 8.89 Seven of the cluster of 13 trees are categorised in the report as “R” trees, trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (e.g. trees that have serious irremediable, structural defects, trees that are in decline and trees infected with pathogens). The other 6 trees covered by the TPO have been categorised as “C” trees, trees of low quality with an estimated remaining life expectancy of at least 10 years, unremarkable trees of very limited merit or impaired condition.
- 8.90 The Council’s Arboriculturist’s has reviewed the submitted document and agrees fully with its contents namely that the 13 trees within the site covered by the current TPO are now in such a condition that they do not warrant such a status and as a result there are no objections raised to their removal.
- 8.91 One of the trees not covered by the TPO is categorised as category “C” tree and therefore no objection to the loss of this tree is raised.
- 8.92 The other tree within the site not covered by the TPO has been given a “B” tree category, which is for trees of a moderate quality with a life expectancy of at least 20 years, trees of some significance with remedial defects or lacking that special quality. The Council’s Arboriculturist’s states that this Sycamore is of fine form but it has grown in a brick planter of some 2m diameter, meaning its root system is likely to be inadequate and is not sitting in the planter symmetrically, it is within 50cms of the brickwork on two sides. While this tree could be retained post-development, it is questioned whether its position in the planter is viable long-term and for this reason no objection is raised to its proposed removal.
- 8.93 The loss of 15 trees on one site is regrettable, however given that all but one of the trees within the site are diseased, rotten or have large areas of exposed heartwood, it is agreed that that they can be removed, subject to an exceptional and robust landscaping scheme for replacement trees a part of any development, an issue which can be ensured via a condition if overall the proposal is deemed acceptable.
- 8.94 In addition to the loss of the Sycamore trees mentioned above the proposal would also result in the loss of dense stands of Bramble covering approximately 400m², chiefly in the area of the existing steep bank facing Hughes Road. However this is a habitat of relatively recent origin and it is of low species diversity. The County Ecologist states that the site has the potential to support

breeding birds but there is no evidence that the site supports roosting bats. It is recommended that, if overall the application is deemed acceptable, a condition is attached prohibiting the removal of the existing habitat during the bird nesting season (1st March to 31st July).

- 8.95 Policy QD17 of the Brighton & Hove Local Plan requires compensating and equivalent nature conservation features to be provided for any that are lost or damaged as part of a development. In addition to protecting existing nature conservation features, policy QD27 also requires development to incorporate new nature conservation features to enhance the nature conservation value of the site, a requirement supported by the NPPF (paragraph 118).
- 8.96 In this application green walls are proposed, for which further information would be required and wall-mounted bird nest boxes and bat boxes should be included in the development proposals to help compensate for the loss of potential bird nesting habitat and to enhance the biodiversity of the site, issues which could be resolved via a condition.

Other Considerations

- 8.97 It is noted that a letter from the agent received on the 21st October 2013 refers to a number of amendments to the scheme following a public exhibition of the development however the proposed amendments are not shown on the plans submitted for the Local Planning Authority to assess and it is not considered that some of the proposed amendments could be dealt with via conditions if overall the proposal was deemed acceptable, as suggested within the letter.

Land Contamination

- 8.98 The site has had a long history of development including Lewes Road Station, a Goods Station and a manufacturing chemist, such uses may have resulted in localised land contamination. In addition the site is located close to other potentially contaminated land sites. Matters relating to land contamination could be dealt with via condition if approval was recommended.

9 CONCLUSION

- 9.1 The applicant has failed to demonstrate that the existing office building is no longer viable and therefore genuinely redundant.
- 9.2 The proposal for purpose built student accommodation on a site which is identified as having the potential for housing provision in the Council's Strategic Housing Land Availability Assessment would compromise the Council's ability to meet its housing targets and would set an unwelcome precedent for the approval of student accommodation on other comparable sites across the City in the future. For this reason the proposed development is considered to be unacceptable in principle.
- 9.4 It is considered that the proposed development would be an over-development of the site and by virtue of its design, scale, bulk and massing would have a harmful impact upon the visual amenities of the D'Aubigny Road and Richmond Road street scenes and the wider area including the Round Hill Conservation Area and longer views into the Conservation Area.

- 9.5 The applicant has failed to demonstrate that the proposed development would adequately address issues of refuse/recycling storage and protect the amenities of the neighbouring properties with regards to levels of loss of daylight/sunlight and overshadowing created. Furthermore the applicant has failed to demonstrate that all future occupiers of the proposal would be provided with an acceptable standard of accommodation regarding outlook and levels of sunlight/daylight received.
- 9.6 Overall it is considered that the scheme is unacceptable and contrary to policy. Refusal of planning permission for the reasons identified in Section 11 below is therefore recommended.

10 EQUALITIES

- 10.1 The development should be designed to be fully accessible for residents and visitors alike.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The submitted elevational plans lack detail and clarity. Notwithstanding the lack of detail the proposed development, by virtue of its design, which includes a bulky roof form, bulky mansard dormer features and projecting bay details, is unacceptable and would cause harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road street scenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views of the Round Hill Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, this in turn would have a harmful impact upon the distinctive layout and predominance of green space of the area when seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
2. Part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, which would therefore compromise the Council's ability to meet its housing needs and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For this reason the proposed development is contrary to the National Planning Policy Framework, policy QD27 of the Brighton & Hove Local Plan and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.
3. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to adequately market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve

the unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.

4. The applicant has failed to demonstrate that the proposed north facing accommodation would receive sufficient levels of daylight/sunlight Furthermore it is considered that the ground floor units would have an oppressive outlook due to the positioning of the proposed cycle storage facilities, facilities which would also create noise disturbance to the ground floor residents. As such the proposal would provide a poor standard of accommodation to the future ground floor residents, harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The applicant has failed to demonstrate that the proposed development would not have a significant impact upon the amenities of the new development located to the north of the site, between Hollingdean Road and Sainsbury's Service road, with regards to received levels of daylight/sunlight and over-shadowing. The proposed massing, scale and bulk of the building is considered to result in an unneighbourly form of development which is considered likely to have an adverse effect on the amenities of the neighbouring northern development by way of loss of daylight/sunlight, especially in respect of the single aspect flats. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
6. The applicant has failed to demonstrate that adequate refuse and recycling provision can be provided. The proposed refuse store is not large enough for a development of the size proposed based on a weekly collection by the Council. No details of private refuse and recycling collections have been submitted as part of the application. Failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and neighbouring properties As such the proposal is contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Existing Topographical Plan	13856/PA/001	-	19 th August 2013
Existing Floor Plans	13856/PA/101	-	19 th August 2013
Existing Elevations Plans	13856/PA/102	-	19 th August 2013
Location and Site Plans as Prop	13856/PA/201	-	19 th August 2013

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Proposed Ground Floor Plan – Level 00	13856/PA/202	-	19 th August 2013
Proposed First Floor Plan - Level 01	13856/PA/203	-	19 th August 2013
Proposed Second Floor Plan - Level 02	13856/PA/204	-	19 th August 2013
Proposed Third Floor Plan – Level 03	13856/PA/	-	19 th August 2013
Proposed Fourth Floor Plan Level – 04	13856/PA/206	-	19 th August 2013
Proposed Roof Plan	13856/PA/207	-	19 th August 2013
Proposed Elevations 1 North/ East and South/East	13856/PA/208	-	19 th August 2013
Proposed Elevations 2 North/ West and South/West	13856/PA/209	-	19 th August 2013
Bay Studies [Materials] 1	13856/PA/210	-	19 th August 2013
Part of Bay Studies [Materials] 2	13856/PA/211	-	19 th August 2013
Proposed Sections	13856/PA/212	-	19 th August 2013
Proposed Bay Window Study	13856/PA/300	-	21 st October 2013



**Brighton & Hove
City Council**

PLANS LIST – 20 NOVEMBER 2013

COUNCILLOR REPRESENTATION



Liz Arnold
Senior Planning Officer
Brighton & Hove City Council

Councillor Pete West
Chair of Environment &
Sustainability Committee

Liz Arnold

King's House
Grand Avenue
Hove
BN3 2LS

Date: 2nd October 2013

Dear Ms Arnold

Re: Planning Application BH2013/02838, Richmond House, Richmond Road,

Councillor Deane and I have received a considerable amount of correspondence from local residents concerning the current application to redevelop Richmond House for student accommodation. As ward councillors we wish to register our objection to the proposal and express our support for the views of our constituents that this is an inappropriate development and that the application should be refused.

We do appreciate that the developers have sought to address a number of the issues that contributed to the clear decision of the planning committee to refuse the previous application earlier this year. However, some fundamental issues remain unaddressed and seem impossible to resolve and therefore show that this application to be no more acceptable than the former.

We note that the new application removes any access or servicing from the conservation area which is a very welcome improvement as it removes the concern of residents, living close by as well as further afield in the conservation area, over disturbance day and night by foot and vehicle traffic.

However, an issue most certainly unresolved is noise break out impact on residents living near the premises. While we understand there will be management policies in place to attempt to control noise, these will not be so effective as to bring it to an acceptable level as it would not be reasonable to so curtail tenants lives and access to fresh air to make it possible to contain noise sufficiently that it doesn't constantly disturb neighbours. Residents of D'Aubigny Road already have to suffer the on-going disturbance of the adjacent Sainsbury's goods yard, which has proved impossible to control given the obvious nature of the activity which is incompatible with residential living. That operation is blight on the lives of neighbours as no doubt the noise from this new student accommodation will be too.

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We also appreciate that some effort has been made to reduce the impact of the elevation fronting onto the conservation area with a reduction in height and attempt to pick up the rhythm of the heritage buildings, particularly with the introduction of the crescent. However, it cannot be said that the design is sympathetic, complementary and comfortable with the Victorian housing. Instead it jars and overwhelms its surroundings, bearing far too much mass and offering blunt and heavy features. This rather crude attempt to mimic some of elegant features of the street make it rather worse than if it tried to simply stand on its own architectural merit. This is not a good quality design and is inappropriate and inadequate in its proximity to the conservation area.

We appreciate that effort has been made to address overlooking; however, we are not sure that the resulting impact on the design of bedrooms and the way they will receive natural light is acceptable. Rooms would have a poor level of daylight and be oppressively enclosed. This is the same concern raised with the previous application, and suggests it is not possible in this location to marry the amenity of neighbours with well designed accommodation for students to live in. This is a fundamentally inappropriate location for this type of establishment.

We also remain very concerned about the change of use and loss of valuable employment space which we know is in short supply within the city. Moreover, the site is identified as having potential to meet the City's housing need, a critical issue given high demand for housing compared with supply and potential supply.

As you will also be aware, the adequacy of our allocation for housing in the City Plan is currently subject to examination by the government inspector. As the reasons for refusal of the previous application clearly state, approval of the application would compromise the Council's ability to meet its housing need and set an unwelcome precedent for the approval of student accommodation on other housing sites across the city in the future. Surely, for this reason alone, this application like the previous one, should be regarded unacceptable on this site. Coupled that with the problems the proposal presents to the residents and their environs, and one can surely only conclude this application must be completely ruled out.

With best regards,



Councillor Pete West
Chair of Environment, Transport and Sustainability Committee