

PLANNING COMMITTEE ADDENDUM Late List/Additional Representations

2.00PM, WEDNESDAY, 8 MARCH 2023

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

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8th March 2023 Planning Committee – Additional Representations

Item	Site Address	Application No.	Comment												
B	Saxon Works, Land to The Rear Of 303-305 Portland Road, Hove	BH2021/04068	<p>Councillor Bella Sankey has <u>objected</u> to the application. A copy of the representation is attached.</p> <p><u>Officer comment:</u> The representation does not raise any new issues that are not already covered in the report.</p>												
C	Former Dairy, 35-39 The Droveaway, Hove	BH2022/00456	<p>An additional letter of representation has been received from Councillor Samer Bagaeeen <u>objecting</u> to the scheme.</p> <p><u>Officer comment:</u> The representation does not raise any new issues that are not already covered in the report.</p>												
D	Enterprise Point and 16-18 Melbourne Street, Brighton	BH2022/01490	<p><u>Minor Amendments to Conditions (underlined):</u></p> <p>Condition 1 (drawings list) – to clarify updated drawing references:</p> <table border="1" data-bbox="936 743 2123 858"> <tr> <td>Proposed Drawing</td> <td>2203-P-251</td> <td><u>F</u></td> <td>8 February 2023</td> </tr> <tr> <td>Proposed Drawing</td> <td>2203-P-301</td> <td><u>C</u></td> <td><u>6 February 2023</u></td> </tr> <tr> <td>Proposed Drawing</td> <td>2203-P-303</td> <td><u>D</u></td> <td><u>6 February 2023</u></td> </tr> </table> <p>Condition 8 (Contamination) – to acknowledge submitted desk-top study:</p> <p>(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:</p> <p style="padding-left: 20px;"><u>(a)</u> a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate <u>by the submitted desk top study (by Terrafirma ref. PO-22-020/P1EP dated Aril 2022)</u> in accordance with BS 10175:2011+A2:2017;</p> <p style="padding-left: 20px;">And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,</p> <p style="padding-left: 20px;"><u>(b)</u> a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.</p> <p>(ii). The development hereby permitted shall not be occupied or brought into</p>	Proposed Drawing	2203-P-251	<u>F</u>	8 February 2023	Proposed Drawing	2203-P-301	<u>C</u>	<u>6 February 2023</u>	Proposed Drawing	2203-P-303	<u>D</u>	<u>6 February 2023</u>
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use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is suitable for use.

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

Condition 15 (Highways Improvements) – to adjust time of submission:

Notwithstanding the plans hereby submitted, no development above ground floor slab level of any part of the development hereby permitted shall take place until the Local Planning Authority, in consultation with the Local Highway Authority, have approved a full scheme of highway works for improvements to Melbourne Street that

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

The occupation of the development shall not occur until those works have been completed in accordance with the Local Planning Authorities approval in consultation with the Local Highway Authority.

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

Condition 41 (Noise Levels) – to clarify this relates to operation and not construction: Noise associated with plant and machinery incorporated within the development when in use shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

Three (3) additional letters of representation from new individuals have been submitted objecting to the application for the following reasons:

- The co-living spaces are only ever (high) rent and will not solve the housing crisis that Brighton is experiencing.
- Communal living is not a permanent solution.
- Height of this development would result in the loss of amenities.
- The development proposes 27 accessible studios, but only 8 accessible parking spaces.
- No proper infrastructure set up in relation to doctors, dentists, parking, water and sewerage systems.

Officer Comment:

8 no. wheelchair accessible parking bay are proposed (the submission indicates 2 no. parking spaces will be allocated for the employment use, and 6 no. parking spaces will be allocated for the residential use). There are also existing on-street disabled bays on nearby streets including Melbourne Street. The Local Highway Authority have no objection to the provision in this instance. No other concerns have been raised that are not already covered within the Officer Report.

Two (2) additional letters of representation from individuals already included within the total of objections set out in the committee report, has submitted further comment as follows:

- Increased noise and pollution.
- Overly high development. Viaduct Lofts was deemed to high for the area however this development is deemed acceptable.

- Overlooking, loss of privacy and loss of light to neighbouring properties at Viaduct Lofts, Melbourne Street and Shanklin Road. The size could be reduced by 25% to reduce impact on amenity
- Increased parking pressure, including from taxis and deliveries.
- This type of short-term living accommodation is not in demand. The site should be used for sustainable and affordable housing to bring families into the area.
- Will be used students and/or for short-term letting/nightly rentals.
- The development will not improve or benefit the local residents and community.

Officer Comment:

It is considered the objections raised are already covered within the Officer Report.

H Land to the East of The Vale, Brighton

BH2022/03066

Trees:

Updated plans including tree protection details have been received to reflect the retention of T22 and a revised replanting scheme to show Red and Field Maple Trees. Comments from the Arboriculturist have already advised that the revisions are acceptable, and this is reflected in the current committee report.

Report amendment:

9.7 of the report should refer to Field Maple Trees and not Holm/Holly Oak Trees. The correct paragraph should read and be inserted as follows:

9.7 The felled trees would be replaced with suitably sized Red Maple Trees (11 in number) and Field Maple trees (11 in number), which the Arboriculturist also agrees with, subject to the final details and a maintenance scheme being agreed by condition.

Drawings:

Conditions 1 drawings list to be inserted into the decision notice to reflect the updated plans:

Plan Type	Reference	Version	Date Received
Proposed Drawing	LLD783/ 01		26 September 2022
Proposed Drawing	LLD783/ 02		26 September 2022
Proposed Drawing	Development site tree works		22 February 2023
Proposed Drawing	Revised planting/tree installation scheme		22 February 2023

			Location and block plan	01B		22 June 2015	
			Block Plan	02D		22 June 2015	
			Proposed Drawing	04D		22 June 2015	
			Proposed Drawing	05C		22 June 2015	
			Proposed Drawing	06C		22 June 2015	
			Proposed Drawing	07C		22 June 2015	
			Proposed Drawing	08B		22 June 2015	
			Proposed Drawing	09C		22 June 2015	
			Proposed Drawing	12B		22 June 2015	
			Report/Statement	Arboricultural Evidential Report		4 January 2023	
I	126 Gloucester Road, Brighton	BH2022/02689	Error in the report – the report states that there are 47 employees existing on the site, however, there are only 6 employees on site.				

BH2022/00456 Former Dairy 35-39 The Droveaway, Hove

Councillor Bagaen Comments

Thank you for informing us of the latest proposals for the above property with the new planning application. It is very hard to follow this whole process as lay people and hard to find accurate plans within the newly added documents to the portal and to understand the latest changes (if any) to the developer's proposals. It appears that it is mainly an official application to deal with the changes the developer wanted to make as minor changes, but this assumption can mean other details go under the radar.

We are surprised to see that the applicants continue to make further revisions to the scheme using what appears to be completely new architects. This in itself raises the question as to whether the proposed changes are 'minor in nature' as, if they were, surely, they wouldn't justify completely new drawings produced by a different architectural practice?

Anyway, the main reason that we wish to record as objections to these drawings are as follows:

- Changes to the proposed development within the new plans (especially for Unit 12) are **not minor in nature**.
- In the latest plans the applicants have moved Unit 12 (house) and possibly Units 13-19 (although not totally clear on the drawings) **closer to No.6 Mallory Road** by '2.4 metres'. This is not **a marginal amount** as stated by the applicants and represents some 26% of the current distance between the dairy building and the existing retaining wall adjacent to this property. If built as shown, this will create increased overshadowing and a further reduction in privacy.
- The property of Unit 12 is now significantly larger in volume than the existing consent and its roof pitch at its maximum height (the roofline) extends further in a westerly direction, which will cause increased overshadowing to properties and gardens.
- The **peak** height (not the average height) of the development of the building closest to No.6 Mallory Road (Unit 12) appears to have risen yet further in these latest plans.
- The spacing and layout appears to have inconsistencies between the artist impression and the plans / elevations (all drawings do not seem to match up correctly in respect of Unit 12 - gaps shown on plans and visuals).
- The design of Unit 12 has a number of features which appears incongruous and extends through the entire height of the building up to the roof as well as the open roof element which is not an attractive feature. We are concerned at the lack of privacy given by the former and potential for light pollution. In terms of the latter, the applicants appear to be saying that the roof of the terrace block is in a single line of roof height for

'simplicity' however the individual house has a very unorthodox shape to its roofline and does not 'successfully fit within Mallory Road.' Inconsistent arguments are being applied to the rationale for the designs being proposed for the house at Unit 12 and for the terrace block. Also, the roof materials for Unit 12 appear different to the terrace block and it appears it is not proposed to use tiles.

- The design of Unit 11 appears very poor (very small narrow building in contrast to its proposed neighbour) and not in keeping with the rest of the development.
- It appears that part of the retaining wall in the north east corner (a partial circle shape at present) is removed from the latest plans. This needs to be retained.
- There is limited detail given for the landscape plan including the proposals for the 'buffer' between the site and No.6 Mallory Road. It would appear that it is not continuous along the whole length of the rear gardens of the terrace block. Retaining walls between properties should be properly protected and maintained within any new plans.
- The space between 11 and 12 has grown as Unit 12 has shifted towards No.6 Mallory Road. Unit 11 appears very small and boxy and out of balance with its neighbour.
- In terms of fenestration - the windows on the first and second floor elevation are considerably higher than the equivalent windows in the terrace block which again has impacts on overlooking.
- We would like to meet with the urban design officer mentioned.
- We seek confirmation that no construction traffic or parking will be allowed access to Mallory Road.
- We would like to see details of all the points relating to the CEMP before approval and project commencement, including how contractors will liaise with residents.
- Also, we did note the developer now plans to remove the beautiful, healthy, mature tree on Mallory Road (photo attached to email which is totally unacceptable). This was retained in all previous plans but has now suddenly has a note added saying 'tree to be removed as agreed with Council and replaced with two new trees.' It is madness and totally wrong for so many reasons to cut down a perfectly healthy, mature, flowering cherry tree that has stood for years and is enjoyed by everyone in the street as well as numerous wildlife. By all means plant more new trees as part of the development but don't destroy existing!

- The application mentions a new pedestrian route to the highway, but I can't see any marked on the plans. We strongly oppose any pedestrian route through from Mallory Road (a cul-de-sac) to the development as this will completely change the character of the road for those living here.
- Finally, one of the plans is marked up as Phase One and Phase Two. Phase Two is shown as the rear of the site which seems strange in terms of construction access to this once the front of the site is built out. It is important that construction traffic for Phase Two does not seek to access the site via Mallory Road.

Councillor Sankey Comments

Please find below a number of my objections and concerns regarding the Planning Application for Saxon Works due to come before the Planning Committee this Wednesday 8th March 2023.

1. Overlooking and loss of privacy for residents in adjacent properties with North-facing gardens on Portland Road. The proposed Saxon Works development consists of a new 5 story apartment building whose balconies and windows will be South-facing and so directly overlook existing residents. The development site is on an already elevated piece of land. Several residents have raised this concern and the impact it will have on their privacy and private use of their properties and gardens.
2. Loss of sunlight to residents at 305 Portland Road will be particularly acute as a result of the three-story commercial unit that will be right up against their boundary wall. This unit will block the majority of the light at the back of the house to their kitchen/diner and back garden. The Daylight, Sunlight & Overshadowing report submits that this will equate to a 57% loss of sunlight which is a significant reduction. This represents overdevelopment of the site and there is evidence that commercial units in the area have been lying empty.
3. Total absence of any affordable housing provision, contrary to City Plan Part Two and the housing needs of the City.
4. The financial viability report concludes that this proposed development is not viable and produces a financial deficit of -£498,808. The planned underground carpark adds a huge amount to the cost of the project arguably making it unviable and demonstrating that what is proposed is overdevelopment of the space. Could the proposed residential properties not be car-free (given the good public transport connections) therefore avoiding the need for an underground car-park and making the development financially viable with fewer/more affordable properties.
5. Highway issues – the proposed Saxon Works development will bring many new vehicles to the area. Olive Road and the Olive Road/Portland Road junction is already very heavily congested (anecdotally Olive Road is believed to be one of the most congested roads in Hove as it is one of the few roads in the area that crosses the railway track) and there are numerous road accidents in this area – residents tell me there was another bad accident at this junction two weeks ago.
6. Noise, smells and fumes from the planned excavation of the carpark. I am also concerned at the suggestion that the demolition and building works will take place over seven days each week which will negatively affect all residents in the surrounding area.
7. The Saxon Works application would reduce the number of available parking spaces for Martello Lofts residents from 31 to 22 (including a reduction of 3 disabled parking spaces to 1 disabled space). This appears to be in direct contravention of the planning application specifications that were approved for Martello Lofts, in particular a condition requiring 31 spaces. How is it possible/legal for an application to be approved which breaches a condition of a pre-existing planning approval? I understand that the developer has submitted Planning Application BH2023-00103 requesting permission to remove six of these Martello Lofts car parking spaces, but this application is currently outstanding and has not been decided. I also understand that as Martello Lofts exists on a private

estate/land, Martello Lofts residents will not be permitted to request residents permits to allow them to park on neighbouring streets, e.g., Controlled Parking Zone L on Portland Road, meaning that residents who have purchased/rented Martello Lofts flats on the basis that they come with a parking space will be impacted.

Kind regards

Cllr Bella Sankey
Labour Councillor for Wish Ward