

12th December 2012 Planning Committee – Late List

Page	Site Address	Application No.	Update
23	(Former Co-op Department Store, 94-103 London Road and 6-11 and 12 Baker Street, Brighton	BH2012/02675	<p>A further six (6) letters of representation have been received from 8 The Laurels, Bromley Road and 10 London Terrace, 1A and 6 Kingsbury Street (2 x letters), 28 Rose Hill Terrace, who <u>object</u> on the following grounds:</p> <ul style="list-style-type: none"> • The site should be developed for social housing for Brighton residents with families and single parents. • Noise disturbance at unsociable hours. • Negative impact on children neighbouring the development caused by anti-social behaviour from the huge concentration of students. • There is no need for student accommodation; there is a desperate need for affordable housing in the city. • This development will rob the current economy of local landlords. • Concern raised regarding the impact on neighbouring occupants given the existing problems with students living in the area. <p>A further two (2) letters of representation have been received from 20 Kingsbury Road and 5 Southdown Avenue <u>supporting</u> the scheme on the following grounds:</p> <ul style="list-style-type: none"> • This would provide a much needed boost to the local economy and a chance to save a beautiful building from dereliction. • Concerns relating to amenity could be addressed by restricting occupation to mature students only. <p>The applicant, Watkin Jones have responded to Cllr West and Deane’s letter of representation which is appended to the committee report; their comments are summarised as follows:</p> <ul style="list-style-type: none"> • There is a national drive, backed by government and the Universities to provide more managed halls of residence as a means of reducing the pressure on the private rental market. • University of Sussex have confirmed that mainly post graduates would accommodate this facility, because at present they can accommodate all their first year students on campus. • The potential for viable alternative uses is in part demonstrated by the long period of vacancy (5 years) – residential scheme is not viable specialist elderly accommodation

			<p>is also difficult to fund. Note car use would be much higher with alternative uses when compared with student accommodation.</p> <ul style="list-style-type: none"> • In the current financial climate, optimal viable development does not include retail above ground floor, residential accommodation with amenity space and car parking requirements or elderly care – there is a real risk that if this application fails, the site will remain vacant for some time. • 24 hour management regime and CCTV would be put in place which is not possible in HMOs. • Management and pastoral care including educating the occupants on neighbourly behaviour will be conducted in partnership with the University of Sussex; this includes meeting the neighbours in order to build a positive relationship. • Access through the site will be controlled to be pedestrian and cyclists during the day and the north gate which opens onto London Terrace will be restricted to be open only between 7:00 and 19:00. • Public realm improvements to London Terrace include re-paving and reducing the height of the curb of the existing pavement and introducing another pavement on the other side of the street to enable some pedestrians to give the residential properties a wider berth. • The parking area on London Terrace will also be improved. • In Watkin Jones' and the Universities experience, students (post graduates, especially from overseas) do not generally arrive by car to their accommodation as distinct from first year students who generally arrive by car. • Nevertheless, there is a well established strategy for arrivals by car as set out in the Transport Assessment which also states that if all the students arrive by car it could be undertaken in a weekend – post graduates tend not to vacate until the end of the academic year. • The roof terraces have been carefully designed to avoid overlooking and access to them would be time controlled with the north terrace closing at 19:00. A designated smoking area is proposed on the southern terrace. • The windows have been designed to prevent overlooking. • The University and Watkin Jones' reputations are reliant upon good management and maintaining neighbouring amenity. • Refuse collection is the only servicing which will occur to the rear of the site. • The student entrance on London Terrace ensures the retail frontage is not interrupted and allows for more effective management with the management suite being adjacent
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- to the entrance.
- The majority of the surrounding properties will experience a significant improvement in outlook and daylight.
 - Previous reasons for refusal have been addressed.
 - The National Planning Policy Framework sets out a presumption in favour of sustainable development and places significant weight on the need to support economic growth.
 - The scheme will create a number of jobs throughout the construction process and following completion and occupation of the development.

Amended conditions:

Condition 6 should be deleted as it is a duplication of condition 4.

Conditions 7 and 8 are recommended to be amended as follows in italics to clarify that the corresponding smaller glazing panel on the angled windows is not restricted by the condition to be obscured or fixed shut as they do not cause overlooking:

- 7) The angled windows servicing the bedrooms on the north elevation of the Baker Street frontage block, on the upper ground, first, second and third storey floor level shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL_002 revision B received 8 November 2012, PL_003 revision D received 20 November 2012, PL_004 revision C and PL_005 received 16 November 2012, and corresponding elevational drawing EL_004 revision C received 12 November 2012, this element of the glazing should also be fixed shut and thereafter permanently retained as such. *For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.*
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 8) The angled windows servicing the ground and upper ground floor level bedrooms opposite London Terrace shall be glazed with obscure glazing and screens erected on the exterior of the window as shown on the floor plans - drawing number PL_001 revision F received 12 November 2012 and PL_002 revision B received 8 November 2012 and corresponding elevational drawing EL_002 revision C received 12 November 2012, this element of the glazing should also be fixed shut and thereafter permanently retained as such. The angled bay window to communal kitchen/living rooms associated with these bedrooms should also be obscure glazed

as shown on the aforementioned drawings, fixed shut and thereafter permanently retained as such. *For clarity, this restriction does not relate to the glazing on the shorter aspect of the angled window.*

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local

An additional informative is recommended:

8. The applicant is advised that legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

Amendment to the follow Head of Term:

- *'A restriction on the occupation of the accommodation to only those attending full time academic courses at the University of Sussex or short term summer courses at a local educational facility during the summer vacation.'*

Amended Head of Term to read:

- *'A restriction on the occupation of the accommodation to only those attending full time courses at one of the higher educational establishments in the city or short term summer courses at a local educational facility during the summer vacation.'*

Additional Head of Term:

- *The residential accommodation shall not be occupied until the relevant educational organisation wishing to occupy the development with their students, has agreed to and signed up to the approved management plan.*

Officer response: It is not considered to be reasonable in policy terms to restrict the accommodation to be occupied by mature students only.

79	Woodingdean Business Park, Sea View Way, Brighton	BH2012/03050	<p>Final comments from Councils Ecologist following submission of Ecology Survey Report.</p> <p>The report describes in detail the potential action which could be taken if reptiles are discovered on site, but because the survey has been carried out during the period when reptiles are dormant, it has not been able to define with certainty whether reptiles are present or at what population density.</p> <p>With regard to the requirements to provide quantified amounts of biodiversity enhancements, section 8 of the report lists 'examples of ecological enhancements which could be considered' but completely avoids making any form commitments and therefore does not follow the guidance set out in SPD11. Nevertheless it does demonstrate that steps can be taken during construction to integrate biodiversity into the development.</p> <p>Because any reptile translocation will necessarily require the provision of land off-site, a S106 agreement will be required. Assuming the receptor site is under Council ownership. Annex 6 of SPD11 quantifies the payment which should be made to the Council for maintaining land as reptile habitat as £1.72 per m². Taking the area of habitat involved to be 3,365m² that equates to £5,788. The additional costs of carrying out the translocation and preparing the receptor site are also normally borne by the developer. However the S106 also needs to account for the possibility that no translocation will be required, since the presence of reptiles on the site has not been conclusively established.</p> <p>Recommends approval subject to conditions and S106</p> <p><u>Planning Obligation</u></p> <ul style="list-style-type: none"> • Payment of £5,788 should reptiles be found for maintaining receptor site and additional costs for translocation and preparing receptor site. <p><u>Add Pre-commencement Conditions</u></p> <p>"No development shall commence until a quantified scheme to enhance the nature conservation value of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the occupation of the development hereby approved.</p> <p>Reason: To increase the biodiversity of the site and to comply with Policy QD17 of the Brighton & Hove Local Plan".</p>
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135	Flat 37, The Van Alen Building, 24-30 Marine Parade Brighton	BH2012/03157	<p>Flat 6, The Van Alen Building <u>objects</u> on the grounds that it is a bespoke award winning development in one of the towns most prestigious areas and that at the time of planning, the aesthetics of the building and the impact on the local area and surrounding properties was carefully considered at that time. Also may be used as precedence for others within the Van Alen Building to argue for similar developments and alterations which could detract from the carefully considered appearance of the property. Furthermore if this was to be accepted it may also be at the detriment to the value of the development and the owners of these valuable assets in general.</p> <p>9 Camelford Street has <u>no objections</u> to the proposed works. The plans appear to show that they are in keeping with the existing structure and are not going to increase the buildings size around its existing dimensions.</p> <p>Officer response: Impact upon value of a property is not a material planning consideration. Other issues raised are already addressed in Case Officer’s report.</p>
147	Mile Oak Recreation Ground, Graham Avenue, Portslade	BH2012/02815	<p>The applicant has made the following comments:</p> <ul style="list-style-type: none"> (i) Sections 4.2 and 11.1 should be amended to indicate that the floodlights would be turned on at 6pm rather than 6.30pm. (ii) The proposal would not result in an increase in the number of games played as the lights belong to Mile Oak FC and no other club uses them. It is outlined that each season the first team plays 17 home league games and the reserves 12 home league games so overall there are 40 homes games a season. The youth team plays on Sunday mornings so none of their games are under lights. The football season runs from mid August to mid April amounting to about 35 Saturdays with all

			<p>kick offs at 3pm. It is stated that for half of those games the floodlights are not needed and for the rest the lights are on until about 5.15. For evening game, the lights are on until about 9.15 but if a cup match goes to extra time and possibly penalties the 10pm deadline is needed but this happens rarely more than once a season. The report says that at present the floodlights are used for up to 76 occasions through the year but they are used about 25 times. Extra evening games will only be needed if games are postponed and rearranged, usually in winter months, which means lights will be used on different dates. There are only two Bank Holidays when there are matches: Boxing Day and Easter Monday. Therefore, there would not be 32 extra games.</p> <p>Officer response:</p> <p>(i) It is recommended that section 4.2 and condition 2 of 11.1 are amended to reflect that the floodlights would be turned on at 6pm. This reflects the application that has been submitted and advertised. The proposed half an hour extension in the early evening would not raise any significant issues in terms of the amenity of neighbouring residential occupiers.</p> <p>(ii) Noted – however, as mentioned in the Committee report, it would be difficult to control the number of games played so the worse case scenario needs to be considered.</p> <p>Condition 2 attached to BH2012/02815 should therefore read:</p> <p>The floodlights may only be lit on:</p> <p>i) Saturdays and Public Holidays between the hours of 2.30pm and 6pm; and ii) For up to one evening game per week between the hours of 6pm and 10pm. And at no other time.</p>
173	19 Third Avenue, Hove	BH2012/02138	<p>Paragraph 4.1, line three about two-thirds in should read:</p> <p>. . . with a proposed height of 2.67m to the upper most part of the finials.</p>

NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

