

13th March 2013 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
19	Anston House, 137 - 147 Preston Road, Brighton	BH2012/02205	<p>Additional representations from the occupiers of 31A, 42 Dyke Road Drive, 109 Havelock Road, 38 Clermont Terrace, Flat 12 Preston Park Mansions, 16 Loder Road, 4a Park View Terrace, 55, Princes Road, 36 Hamilton Road, 6 Compton Avenue, <u>objecting</u> to the scheme on the following grounds:</p> <ul style="list-style-type: none"> • The development will impact upon the view of the park particularly from the railway line and A23. • The overshadowing information submitted is flawed and the overshadowing of Preston Park and adjoining neighbours would be vastly greater than shown on the submitted diagrams. • The development will impact upon the Preston Park which is Grade II listed and the Viaduct to the south which is also Grade II listed. • The development will result in the loss of privacy and natural light for adjoining occupiers • The density will put a strain on current amenities within the area • The proposed flats are below size standards of the south east authorities and do not represent a decent standard of living. • The development represent overdevelopment as it is too large and bulky and out of character for the area • The development is set too far forward within the site • The scheme represents loss of employment floorspace • Increased noise and disturbance from traffic movements at the site • The scheme will have a great impact upon pedestrian and highways safety given the levels of traffic which will result • This will set a precedent for development in the future which has disregard to the community, environment and the listed park. <p>Officer response: These issues are addressed within the report.</p> <p>Brighton Society have raised a further <u>objection</u> in relation to the accuracy of the shadow diagrams provided by the applicant.</p> <p>Officer response: This is currently being considered by officers and will be referred to at the meeting.</p>

English Heritage have the following comments in relation to the scheme:
The redevelopment of this site is unlikely to cause substantial harm to the setting of designated heritage assets, over and above the harm already caused through the development alongside Preston Road in the late 20th century. We urge the local planning authority to have due regard to our Guidance on tall buildings in assessing the impact of the proposals on the city's skyline, and would expect to see substantial improvements to the public realm and connectivity to Preston Park as part of the development.

Para 8.14 amended:

"Whilst this is not fully in line with the preferred mix required by the Housing Team, they indicate that a variation in the mix can be supported in that the development is in an area with the greatest demand for intermediate housing. The proposed mix of tenure split for affordable housing is 14.3% affordable rent and 85.7% shared ownership. This is considered to be a reasonable approach that would continue to meet local priorities / housing need and assist in the site coming forward for development."

Final bullet point within Section 106 Agreement amended to say:

"Commercial floorspace shall be completed to a shell and core basis and available for use/tenant fitout prior to first occupation of the residential accommodation."

Condition 3 amended:

"The development hereby approved shall provide a minimum of 1,500 sqm of B1a office floorspace, and 519 sqm of flexible floorspace including retail floorspace (classes A1, A2, A3, A4, A5), and D1 or D2 uses. The flexible alternative uses shall provide a maximum of 200sqm in any single unit and a maximum of 400sqm in total of retail floorspace (A1, A2, A3, A4, A5 use), and a maximum of 450sqm of Community D1 and Leisure D2 floorspace."

Condition 30 amended:

"Construction of the development shall not commence until a written scheme for the ventilation of the residential units has been submitted to and approved by the Local Authority so that all the residential units meet the internal 'good' noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB L_{Amax} as per

			<p>BS8233:1999. Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.”</p> <p><u>Condition 31 amended:</u> “Construction of the development shall not commence until a written scheme for the soundproofing of the residential units has been submitted to and approved by the Local Authority so that all the residential units meet the internal ‘good’ noise level standards of BS8233:1999 and World Health Organisation for living rooms and bedrooms and internal individual noise events do not exceed 45dB L_{Amax} as per BS8233:1999. Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.”</p> <p><u>Amendment to the description:</u> “Demolition of existing building and erection of a new building ranging from 7no to 15no storeys providing 231 residential units, circa 2,019 sqm of non-residential floor space (including a mix of B1a Office, Retail (A1, A2, A3, A4 and A5uses) and Community D1 and Leisure D2 floorspace) 158 car parking spaces and 240 cycle spaces, landscaping and other associated works.”</p>
69	Court Farm House, Court Farm, Devil's Dyke Road	BH2012/03446	<p>The applicant has provided additional information on the submitted Acoustic report.</p> <p>Officer response: The Environmental Health team have responded to the submitted information and comment that the information has clarified the matters raised in the previous consultation response. The Environmental Health Team have no objections subject to the imposition of planning conditions relating to the use of an acoustic fence, a scheme of sound insulation of plant, odour control equipment, controlling glazing specifications, a scheme of ventilation, control of noise emitting from plant machinery and a land contamination discovery condition.</p> <p>On this basis it is considered that the reason for refusal (number 5) should be deleted from the recommendation to refuse planning permission.</p> <p>The applicant has provided additional information on the submitted Ecology report.</p>

			<p>Officer response: The views of the Council’s Ecologist are awaited. A verbal update will be provided at Committee.</p> <p>On this basis it is considered that the reason for refusal (number 3) should remain to refuse planning permission.</p> <p>The applicant has provided additional information in response to comments raised by the National Trust, a copy of photographs of views of the site from views to the north.</p> <p>Officer response: The information is noted. No further action required.</p> <p>The applicant has provided additional information on transport, including a technical note, vehicle access strategy, pedestrian improvements, swept path analysis for refuse vehicles and private cars.</p> <p>Officer response: The applicant has now provided a continuous pedestrian route on the eastern side of King George IV Avenue.</p> <p>Having considered the information submitted and relevant guidance there could be potentially a right turning accident problem as a result of the proposed access and right turning vehicles into the site could inhibit through flow traffic. The Transport team consider the proposed access to be not appropriate and continues to warrant a refusal of planning permission.</p> <p>Refuse Vehicle Access – the applicant has provided a swept path analysis that demonstrates a refuse vehicle can enter the site, turn around and leave the site in forward gear. This is therefore now acceptable.</p> <p>Parking Spaces – the design of car parking spaces 1 to 7 has been amended and a swept path submitted demonstrating that a standard car can leave from one of the bays. The road appears to have been widened to allow adequate manoeuvring space for a vehicle to turn around.</p> <p>Disabled Parking – the applicant has now provided 5 disabled car parking spaces in front of the main entrance to the nursing home. These spaces are designed in line with the standards detailed within inclusive mobility and are therefore now acceptable.</p>
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			<p>On this basis it is considered that the reason for refusal (number 4) should be amended to read:</p> <p>“The application fails to demonstrate satisfactory and safe vehicle access to the proposed development. The scheme fails to demonstrate that it would not prejudice development of the remainder of Toad’s Hole Valley strategic designation in the emerging City Plan. Furthermore, the application in the absence of detailed measures to promote and encourage sustainable transport and provide highway improvements and fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1, TR7 and QD28 of the Brighton & Hove Local Plan and policy DA7 of the emerging Brighton & Hove City Plan Part One.”</p>
107	Land rear of 140 – 146 Springfield Road	BH2008/03194	<p>An additional representation has been received from the resident of 134 Springfield Road which raises the following <u>objections</u>:</p> <ol style="list-style-type: none"> 1. Have previously submitted detailed objection that the Inspector and Council had fallen seriously into error in allowing that a "greenway" could subsist after the development was built. That proposition was clearly wrong, and is highly significant, and the reasons for this and consequences were explained in our original objection letter. This has not been reflected within the report. 2. The report is in error stating the fencing is on the developers land. Councillors have a right to know as background that land registry reports show that the developers ownership does not accord with its claims, and that Network Rail and the developer are now actually in dispute over this. In a "finely balanced" case background and detail such as this should be shown to Councillors so they can get the bigger picture. 3. The report does not appear to include the three letters served upon the developer asking them to cease using the scaffold yard as the use is in breach of planning permission. That is relevant as the yard’s use was only ever formalised temporarily on condition that the application site was conserved as a wildlife area and because the developer has argued that the wildlife corridor has already been broken by its unlawful use of the yard. Once again, councillors need this background. <p>Officer response:</p> <ol style="list-style-type: none"> 1. In the second Inspector’s report (which allowed the appeal) its states: “QD19 would deny planning permission for proposals likely to hinder their provision or harm their objectives. The land in question forms part of an

indicative greenway on the Local Plan. The Council did not pursue this reason for refusal at the Inquiry and, in response to a question, accepted that sufficient room would remain between the flank of the proposed building and the extend of land necessary for the operation of the railway for a greenway link to be provided.”

A gap of 1.3 metres would exist between the side of the dwelling and the edge of the application site. There is then a further gap of 2.1 metres between the application site and the railway tracks. There is sufficient room between the built form and the railway track for the land to provide habitat connectivity which would benefit wildlife. There is not sufficient room for the land to act as ‘a largely car free off road route for people on foot, bike or horseback’ as defined by policy QD19. There could however be some benefits to wildlife and habitat connectivity by either strip. However, the first Inspector, when determining the appeal for the 8 flats (BH2006/026100), considered that the site did not have a high value as a greenway, and the appeal was not dismissed on grounds related to policy QD19. The Council did not pursue the reason for refusal related to impact on biodiversity and policies QD17 and QD19 of the Local Plan at the Public Inquiry related to the second appeal (BH2008/03194). Therefore, it is considered that the loss of the site as a potential future greenway had already been established, and the size of the gap that is left between the development and the railway has already been determined to be acceptable.

2. As stated within the committee report, land ownership issues are a private matter between the applicant and Network Rail.
3. Enforcement investigation has been undertaken previously in relation to the scaffold yard to the east of the site which is owned by the applicant. In 2011 the enforcement case was closed by the Council as it was not considered to be expedient to take enforcement action. This was due to the yard being in existence for some 10 to 15 years, the fact that temporary consent had been granted previously, and as it resulted in relatively little disturbance to neighbours.

An additional representation has been received from the resident of **55 Princes Road** which raises the following objections:

The site is valued by residents who use platform 1 of London Road station as an attractive undeveloped open space which gives the station a distinctive rural feel.

			<p>Appreciate that the previous appalling appeal decision might indicate that they should give up altogether in protecting their best privately owned spaces and somewhat ties the Council's hands. Another lost appeal could cost the taxpayers but the Council should be brave and make a stand. Changes to planning context are 1) The 2011 Open Spaces study which is a recognition of the value of this open space and local people have planted their own garden at London Road station; 2) noise guidelines have been strengthened; 3) the new fence has been erected and the application site is smaller; 4) the CPZ expansion.</p> <p>Officer response: the material changes to the planning policy context and site and surrounding characteristics have been covered within the report to Planning Committee.</p>
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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).

PLEASE NOTE THIS SECTION REPLACES SECTION 6 IN ALL REPORTS

Report template – 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:
- The Regional Spatial Strategy, namely The South East Plan (6 May 2009);
 - 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