

## 5<sup>th</sup> December 2018 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
1 of updated addendum report	Greater Brighton Metropolitan College, Pelham Street, Brighton	BH2018/02607	<p><b>Further Representations:</b>            A letter has been received from <b>Caroline Lucas MP</b> in <u>support</u> of the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• Is aware of funding pressures with education providers in the city and their long standing need to upgrade facilities.</li> <li>• The development will significantly benefit existing and future students at the College.</li> <li>• Is aware that many local residents consider this application to be an improvement upon previous schemes, although notes their concern over the management of the entrances to the public open space which needs to be addressed.</li> <li>• Also notes residents' concerns over lack of affordable housing but acknowledges that financial viability should be a significant consideration, as well as the educational, social and economic benefits of the scheme.</li> </ul> <p><b>Shoreham Technical Centre</b> has provided comments in <u>support</u> of the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• The MET provides huge community benefit, delivering further education to 15,000 young and adult learners and the Pelham Street development is vital for the future of the college.</li> <li>• It is vital that the MET is able to maximise the value of the College buildings on the east side of Pelham Street through private residential development in order to achieve this community benefit which will also provide much needed housing provision in the city.</li> <li>• The MET urgently needs to invest in its Pelham Street facilities to make them fit for purpose to deliver the vocational learning that local young people and adults need. The MET has a vital role in addressing the regional skills shortages in STEM, creative, digital and IT businesses and needs up to date facilities to do this across all its sites.</li> </ul>

**1 additional letter** has been received in support of the application for the following reason:

- Investment is needed in the College: the city's food scene is flourishing and the demand for chefs is increasing.

**UK Power Networks** have removed their previous objection to the application: From looking at our records, believe the letter was sent regarding Pelham Street Substation which is located in the ground of City College and therefore will not be affected.

**Sustainable Transport:** Updated comments received. **Note:** Further information is awaited from the applicant on the transport impacts of the proposals following recent survey work. Further updates will be provided verbally at the meeting.

The LHA continues to object to the proposed development. However, it is still possible that some of the reasons for that may be addressed by the applicant before committee.

Previously there had been two matters of objection. These were because of significant non-compliances with policy that could not be obviously mitigated. They were -

- The amount of cycle parking proposed for the college site. Whilst the Applicant has now increased this somewhat to 136 spaces (or 174 if additional proposed off-site spaces are counted) and the LHA has reassessed the required quantity too (resulting in a slightly lower demand of 195 spaces) the proposed amount remains significantly sub-standard. The quality of the parking also remains poor. That in the bike stores remains cramped (making it hard to access and hard to secure bikes) and that outside is not under cover despite only some of this being for visitors. Given the suitability of the location to travel by bike the proposed development is considered to fail not only local policy but also the test in NPPF para 108a to ensure development supports the uptake of opportunities for sustainable travel. Whilst the Applicant has explored providing some further parking externally much of this would be in locations that are unacceptable owing to safety concerns. In any event, this is not sufficient to address the shortfall. Other

			<p>opportunities to supplying further parking off-site are not clear enough to recommend using section 106 to remedy the shortfall.</p> <ul style="list-style-type: none"> <li>The proposals for blue-badge holder access to the site. This was raised as the 3 proposed accessible parking bays, and routes from these to the main entrance to the college building, did not comply with inclusive design guidance. Both were too steep. As a result the proposals did not satisfy policy TR18 or the NPPF inclusive access tests as para 108 and 110. No changes have since been proposed to address these matters and therefore the objection must be maintained. Not that this would also have significant negative equality impacts for which the LHA can offer no objective justification in transport terms.</li> </ul> <p>In the LHA’s view, these issues could be addressed were the Application for the college site to be rethought to provide a smaller internal open space and were external space enhancements to be focused instead on surrounding public streetscapes (including in particular Pelham St), as envisaged in the London Road Central Masterplan (SPD10) and policy DA4.</p> <p>It was also previously noted that concerns were raised to the submitted TA in various respects, particularly trip generation and related operational impact assessment. This resulted in several concerns that – if not addressed before determination – the LHA highlighted could constitute further grounds for objection. The Applicant has since looked at some of these via a TA Addendum and other submissions. This has satisfied the concern about delivery and service vehicle access to the residential site via the courtyard accessed from Pelham St. However, the other concerns have not been addressed satisfactorily and have in some instance intensified. In particular –</p> <ul style="list-style-type: none"> <li>The Applicant was asked to assess Impact on the road network owing to greater use of off-site car parks at Trafalgar St, London Rd and – to a lesser extent – Brighton Station. This is likely to occur because of increased use of these car parks by college staff following the closure of the 118 space on-site college car park. Additional use is also likely by occupants of the residential site, where only a maximum of 16 spaces are provided for 131 units and it is additionally proposed that a permit-free condition is</li> </ul>
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			<p>imposed. Whilst an assessment has been provided this is fundamentally poor in many respects and cannot be accepted. Notwithstanding, the output figures still point to the need for several junctions to be modelled to quantify impact due to increases in particular movements above industry standard thresholds. However, no modelling has been provided. It has since been determined that demand is likely to be even greater in the PM peak hour as, despite information to the contrary, the existing college car park is available for public use after 4pm on weekdays.</p> <ul style="list-style-type: none"><li>• The Applicant was asked to look again at their assessment of the impact of new and redistributed pedestrian trips on footway comfort (crowding) and to clarify various related matters. This was because the assessment (including its underlying pedestrian trip generation and distribution) was poor and insufficiently evidenced. This was a concern as the assessment suggested that the footways on Trafalgar St and Pelham St were close to unacceptable levels and sensitive to change. The Applicant has since considered this matter in the submitted TA Addendum. However, rather than providing the information requested they have sought to demonstrate instead that no further assessment is necessary by revisiting the underlying trip generation assessment for pedestrians, which has been established by making reference to surveys for similar sites in the TRICS database. Unfortunately the approach taken is flawed in a numerous ways and cannot be accepted. It has however highlighted that trip generation is likely to be greatest in 12-13:00 lunch hour. This period has not yet been considered and may mean that streets are more sensitive to change than previously thought.</li><li>• The Applicant was asked to provide further information to clarify how vehicle servicing and deliveries to the college site would occur. Whilst they have since submitted some helpful information this is yet to satisfy concerns. In particular, information about deliveries remains vague. The Applicant has suggested that this is difficult to forecast and they can only anecdotally suggest one movement a week (despite information that suggests some of the deliveries may be small packages, which may be delivered by gig-economy drivers using cars). The rate seems very low for a land use of this type. Irrespective, this approach to forecasting cannot be accepted when the existing operational site could be easily surveyed to provide robust data. The consequence of</li></ul>
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			<p>this lack of information is that the LHA cannot be confident that deliveries and servicing could occur safely and without impacting other road users, a particular concern being kerb-side drop-offs on Pelham St and vehicle access in/out of the existing shuttered access to the Pelham Tower.</p> <p>The Applicant has since confirmed their intention to provide further information to address these concerns before determination. This is welcomed. Nonetheless, in the meantime the concerns must each be deemed as constituting further grounds for objection. If satisfactory information to address them is received before committee, as hoped, then the attending Transport Officer will provide a verbal update lifting the objections and recommendations to refuse, as appropriate.</p> <p>Committee should note that a significant contributing factor in many of the above concerns is the lack of adequate data about the how the existing college operates - particularly in respect to the trips it generates. This might have been avoided had surveys of the existing operational site been undertaken as the LHA advised during the pre-Applicant stage. It still remains possible to do this.</p> <p>In respect to how the proposals comply with policy and strategy for the wider London Road Central Masterplan area, no relevant changes have been made and comments remain as per the previous response. In brief, they are not felt to comply with various objectives - particularly those to improve east-west connectivity and to generate active frontage on Pelham St. The latter is particularly disappointing given the proposals for Pelham St in the previously secured scheme and the fact that the Application constitutes approximately 75% of all frontage along the street. Notably, the proposals also do not comply with policy TR15 requirements to enhance the national cycle network route 20 (NCN20) which passes the site via Cheapside.</p> <p>Lastly, various section 106 highway improvement schemes had previously been recommended to secure adequate access to the development for pedestrians and cyclists. The most notable of these were scheme to improve Redcross St and Trafalgar Court. Both were highlighted as being essential to the development in planning terms,</p>
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irrespective of viability. Whilst the Applicant is yet to confirm their acceptance of these schemes the recommendation remains that they must be secured for the development to be acceptable. Two further safety improvement schemes are also now recommended for Trafalgar St and the junction of this street with Whitecross St. The need for these was identified following a collision analysis undertaken by the LHA after the Applicant failed to provide a satisfactory analysis of their own in the TA Addendum, despite previous requests to do so and additional data being provided to them.

**Amendments to Conditions:**

1.Plans List:

Illustrative Masterplan	1923-TF-00-DR-L-1001	P02	16 October 2018
Proposed Site Block Plan	6301-ECE-01-00-ST-A-0004	A2	16 October 2018
Site A Landscape Proposals	1923-TF-00-00-DR-L-1002	P04	16 October 2018
Site A Cycle Parking Provision	1923-TF-V4-00-DR-L-1003	P04	16 October 2018
Site A Indicative sections/elevations	1923-TF-00-00-DR-L-5001	P03	16 October 2018

Above drawings to be replaced with:

Illustrative Masterplan	GBMC-TF-Z1-00-GA-L-61101	P01	28 November 2018
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				Proposed Site Block Plan	GBMC-ECE-00-00-ST-A-0004	A3	28 November 2018
				Site A Landscape Proposals	GBMC-TF-Z1-00-GA-L-61102	P01	28 November 2018
				Site A Cycle Parking Provision	GBMC-TF-Z1-00-GA-L-61103	P01	28 November 2018
				Site A Indicative sections/elevations	GBMC-TF-Z1-00-SE-L-62501	P01	28 November 2018

3. Delete – asbestos is covered by conditions 4 and 5

7. Amend from “*Prior to the commencement of development*” to “*Prior to the commencement of development above slab level*”

9. Delete – requirements incorporated into condition 11

11. Add in “*Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) for the duration of the development within site A*” under the specific issues to be dealt with in the TPP and AMS.

12. To be replaced with:  
*“Prior to the commencement of the development of Site A (including demolition and all preparatory work) a pre-commencement meeting shall be held on site and attended by the developer’s appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA)*

*(tree officer) to discuss details of the working procedures by construction personnel and to confirm that that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out accordingly.*

*Items to be discussed during the meeting:*

- a. Induction and personnel awareness of arboricultural matters to construction personnel working at the site*
- b. Identification of individual responsibilities and key personnel*
- c. Timing, methods of site visiting and record keeping, by the arboricultural consultant including updates*
- d. Procedures for dealing with variations and tree damage incidents.*

*Reason: To ensure that all construction personnel are aware of the tree protection measures as this matter is fundamental to protecting the trees which are to be retained on and off the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 / CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.”*

13.To be replaced with:

*“Notwithstanding the plans hereby approved, within 6 months of the commencement of development of Site A, landscaping and cycle store details shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping details shall be implemented accordingly in the first planting season after completion or prior to the occupation of the College extensions, whichever is the sooner. The details shall include the following:*

- i) the position, dimensions, design, materials, finish, durability and maintenance strategy all hard and soft surfacing and external structures including steps, seating areas, cycle stores and the drainage system;*
- ii) a schedule detailing species, sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, any use of these within the RPA’s of retained trees*



			<p><i>should be specified, and</i></p> <p><i>iii) specifications for operations associated with plant establishment and maintenance that are compliant with best practise.</i></p> <p><i>Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Replacement planting shall be in accordance with the approved landscaping scheme submitted for this condition.</i></p> <p><i>Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton &amp; Hove Local Plan and CP12 and CP13 of the Brighton &amp; Hove City Plan Part One.”</i></p> <p>14. Amend from “<i>Within 6 months of the commencement of development</i>” to “<i>Prior to the occupation</i>”</p> <p>15. Amend from “<i>Within 6 months of the commencement of development</i>” to “<i>Prior to the occupation</i>”</p> <p>16. Amend from “<i>Within 6 months of the commencement of development</i>” to “<i>Prior to the occupation</i>”</p> <p>19. Verbal update to be provided at Committee.</p> <p>22. Amend first part to read: “<i>Prior to their installation, details of the photovoltaic panels on the roof of the extensions on Site A shall be submitted to....</i>”</p> <p>23. “<i>a level 5dB below the existing LA90 background noise level</i>” to be replaced with “<i>the background sound level</i>”</p> <p>26. Reason: add “<i>and to comply with policy TR7 of the Brighton &amp; Hove Local Plan.</i>”</p>
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			<p>28. Add in “<i>d) restrictions on fire alarm and life safety plant testing</i>”</p> <p>30. Delete – covered by Highway Act.</p> <p>31. Delete – covered by Building Regulations.</p> <p>33. Delete – requirements incorporated into condition 28</p> <p>34. Amend wording to read “No deliveries or refuse collections shall take place on <i>or to</i> site A...”</p> <p>35. Amend to “The Delta Green report (Revision P2 23rd), July 2018 lighting design specification (<i>or minor variations to it if agreed in writing by the Local Planning Authority</i>) is to be installed...”</p> <p>41. Delete – asbestos is covered by conditions 42 and 44</p> <p>47. Amend from “<i>Prior to the commencement of development</i>” to “<i>Prior to the commencement of development above slab level</i>”</p> <p>48. “<i>a level 5dB below the existing LA90 background noise level</i>” to be replaced with “<i>the background sound level</i>”</p> <p>53. Delete- covered by Highway Act.</p> <p><b>Additional conditions:</b></p> <ol style="list-style-type: none"> <li>1. (i) The external courtyard with a vehicular access from Cheapside shall be accessed by pedestrians, cars, vans and pedal cyclists only. The cars, vans and cyclists shall do so only for the purposes of accessing parking spaces, which shall be for residents of the development and their visitors only; and</li> </ol>
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			<p>(ii) the external courtyard with a vehicle access from Pelham Street shall be accessed by pedestrians, pedal cyclists and delivery and service vehicles only. The pedal cyclists shall do so only for the purposes of accessing cycle parking spaces, which shall be for residents of the development and their visitors only. The other vehicles shall do so only to service and make/collect deliveries to/from the residential development (including domestic removals and waste and recycling collection), leaving promptly and in any instance not waiting overnight. All vehicles providing domestic move-in/out services for residents of the development shall load/unload from within the courtyard; and</p> <p>(iii) there shall be no-through access for motor vehicles of any kind between the above external courtyards.</p> <p>Reason: In the interest of public safety and to comply with Brighton &amp; Hove Local Plan policy TR7.</p> <p>2. When exiting Site A or B of the development hereby approved no vehicle shall do so except in forward gear.</p> <p>Reason: In the interest of public safety and to comply with Brighton &amp; Hove Local Plan policy TR7.</p> <p><b>Amendments to Report:</b></p> <p>(Under para 1.1)  S106 Heads of Terms for <u>Site B</u></p> <ul style="list-style-type: none"> <li>• Review of contributions – remove ‘<i>sustainable transport</i>’ so that only open space, education and economic development contributions are to be reviewed.</li> </ul>
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			<p>(To be added after para 10.4.23):  <i>In light of recent collisions which have been recorded as occurring close to the Whitecross St/Trafalgar St junction, the Transport Officer recommends the following are included within the Site A Travel Plan required through the s106 agreement:</i></p> <ul style="list-style-type: none"> <li>• <i>A safety scheme to improve road user awareness of eastbound cyclists using Trafalgar St</i></li> <li>• <i>A safety scheme to improve the pedestrian crossing over Whitecross St at its junction with Trafalgar St and to slow vehicles turning between Whitecross St and Trafalgar St (and vice versa)</i></li> </ul>
81	Former Peter Pan Amusements, Madeira Drive, Brighton	BH2018/01973	<p><b>The recommendation should be amended with the following addition as follows:</b></p> <p>That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement and the following Conditions and Informatives <b>SAVE THAT should the s106 Planning Obligation not be completed on or before 27th March 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons:</b></p> <ol style="list-style-type: none"> <li>1. The proposed development would result in a significant loss of rare coastal vegetated shingle habitat and fails to provide satisfactory ecological compensation, mitigation and enhancement, contrary to policies NC4 and SR18 of the Brighton and Hove Local Plan and SA1 and CP7 of the Brighton and Hove City Plan Part 1.</li> <li>2. The proposed development fails to meet the demand for travel it creates as it does not provide a financial contribution towards promotion of sustainable transport modes, contrary to policies CP7 and CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.</li> <li>3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the</li> </ol>

proposed development and promote use of 20% local labour, contrary to policy CP7 of the Brighton and Hove City Plan Part 1.

**The following drawings to be inserted into condition 1:**

Proposed ground floor GA Plan	0003	Rev D	19/11/18
Proposed first floor GA plan	0004	Rev C	19/11/18
Proposed roof plan GA	0005	Rev C	19/11/18
Proposed ground floor configuration	0006	Rev B	19/11/18
Proposed 1 <sup>st</sup> floor configuration	0007	Rev B	
Proposed elevations/sections	0008 (Sheet 1)	Rev B	19/11/18
Proposed elevations/sections	0009 (Sheet 2)		19/11/18
Proposed gates/balustrades stair	0011	Rev A	19/11/18

				<table border="1"> <tr> <td>Section CC</td> <td>0010</td> <td>Rev A</td> <td>19/11/18</td> </tr> <tr> <td>Proposed changing room layout</td> <td>0012</td> <td></td> <td>19/11/18</td> </tr> </table>	Section CC	0010	Rev A	19/11/18	Proposed changing room layout	0012		19/11/18
Section CC	0010	Rev A	19/11/18									
Proposed changing room layout	0012		19/11/18									
				<p><b>Amended condition wording:</b> In line with updated legislation the LPA needs to agree pre-commencement conditions with applicants in advance.</p> <p>The applicant is not agreeable to pre-commencement conditions 19 and 20 (foul and surface water drainage scheme to be agreed) as they consider this temporary scheme would not have any drainage implications.</p> <p>Southern Water and the council's Sustainable Drainage officer do not agree as the scheme will introduce significant new built form here, including a pool, which will have an impact that requires a drainage strategy. These consultees suggested the conditions be imposed. Southern Water have been re-consulted for their further views, and should they state the conditions are no longer required then this can be reviewed. In the meantime, for the application to be approved and enable works to commence a <u>revised wording to both conditions 19 and 20 is recommended to state 'within 2 months of commencement of development' rather than 'pre-commencement'</u>.</p> <p><b>One additional letter of objection</b> has been received on grounds of overdevelopment, poor design and that a mini-commercial centre is out of place and should be for leisure/culture only not retail.</p> <p><b>Officer response:</b> These issues are covered in the report.</p>								
157	2 Sackville Gardens, Hove	BH2018/02525		<p><b>Further representations:</b> <b>Councillor Bewick</b> <u>supports</u> the application (comments attached).</p>								

			<p><b>Officer response:</b> The issues raised in this representation have already been considered in the report.</p> <p><b>Clarification:</b> The officer's report states the number of letters of representation received in support of the application as twelve (12). The actual number of letters of support that were received is nineteen (19).</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).

